

INTRADEPARTMENTAL CORRESPONDENCE

September 8, 2020

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TO: The Honorable Board of Police Commissioners

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FROM: Chief of Police

SEP 10 2020 ✓

OFFICE OF THE INSPECTOR GENERAL

SUBJECT: OFFICER-INVOLVED SHOOTING, FID NO. 053-19

Honorable Members:

The following is my review, analysis, and findings for Officer-Involved Shooting (OIS), Force Investigation Division (FID) No. 053-19. A Use of Force Review Board (UOFRB) was convened on this matter on August 17, 2020. In this case, the recommended findings were not unanimous, with minority opinions rendered regarding the Tactics Findings for Officers S. Ruiz, Serial No. 41335, and K. Fuentes, Serial No. 37478, Newton Area, Gang Impact Team (GIT).

I have carefully weighed each opinion, considered the case in its entirety, and adopted the majority opinions for the Tactics Findings for Officers Ruiz and Fuentes. I hereby submit my findings in accordance with Police Commission policy.

SUMMARY¹

According to Witness Lorena Serrano, on November 19, 2019 at approximately 0800 hours, she was alone and driving her Chevrolet Camaro south on South Central Avenue approaching 29th Street when she observed a male, later identified as A. Flores, walking northbound on the west sidewalk of South Central Avenue.² Witness Serrano observed Flores holding a *really big knife* in his right hand and *scraping his stomach with the knife*.³ In addition, Witness Serrano believed from her observations that Flores was under the influence of narcotics and suffering from a mental illness because Flores appeared paranoid by looking *all around* as he walked north on the sidewalk. Witness Serrano also observed numerous community members in the area, including small children walking to school and was *concerned about Flores hurting someone*.⁴ While continuing to drive south on Central Avenue, Witness Serrano approached Newton Community Police Station (CPS), where she observed a black and white police vehicle and *flagged him down*.

¹ The summary and the investigation completed by FID for this incident have been provided to the Board of Police Commissioners.

² South Central Avenue will be referred to as Central Avenue throughout the remainder of this report.

³ Witness Serrano described the knife as being approximately 12 inches in length.

⁴ The FID investigation determined that there were at least two schools located near the intersection of Central Avenue and 29th Street.

According to Sergeant A. Ibanez, Serial No. 35807, Newton Patrol Division, he was driving a marked black and white police vehicle and working uniform patrol. Sergeant Ibanez was driving north on Central Avenue at approximately 0806 hours, approaching 34th Street when he observed a *female driver*, later identified as Witness Serrano, *frantically waving her hands back and forth, attempting to get Sergeant Ibanez' attention*. Sergeant Ibanez stated he turned east on 34th Street, parked and exited his police vehicle, and met with Witness Serrano who had parked behind him and exited her vehicle. Witness Serrano told Sergeant Ibanez, "Hey, there's a guy walking down the street with a knife this big... and I'm concerned that he's going to do something to someone." Sergeant Ibanez asked Witness Serrano where she last observed Flores and Witness Serrano responded that Flores was walking north on Central Avenue. Sergeant Ibanez utilized his police radio and asked *the RTO* (Radio Telephone Operator) if there had been *any calls of a man with a knife* in the area of 34th and Central. He also advised Communications Division (CD) that he was on a *citizen flag down* (Debriefing Point No. 1 – **Tactical Communication/Tactical Planning and Additional/Equipment – Edged Weapons Protocol and Body Worn Video**).^{5 6}

Note: According to the FID investigation, on the same day as this OIS incident, at 0747 hours, a radio call was generated for a man with a knife near the intersection of East Vernon Avenue and Compton Avenue in Newton Area.⁷ The comments of this earlier radio call indicated that the suspect was a male Hispanic, with tattoos on his face, wearing a blue shirt and was waving a knife in the air. The Person Reporting (PR) on that earlier call, later identified as A. Smith, was concerned due to children being in the area. Newton Patrol Division officers, including Sergeant Ibanez, responded to the location. Upon their arrival, the PR had already driven away from the scene, and the officers were unable to locate the suspect. An additional PR, later identified as J. Soto, stated he was stopped at the red light, waiting to make a *left turn* onto Vernon Avenue from Compton Avenue when he observed a man with a *kitchen knife* crossing the street *multiple times* and people *running away, very scared, pulling their kids*.⁸

According to the FID investigation, at approximately 0807:02 hours, CD informed Sergeant Ibanez that there were no current calls related to that incident.⁹ In addition, CD broadcast, "Newton units to respond to 34th and Central for a 415 man with a knife identify" and asked Sergeant Ibanez if he was equipped with a "Code Sam" (Beanbag Shotgun) or a "Code Sam 40" [40mm Less Lethal Launcher (LLL)]. Sergeant Ibanez advised CD he was not in possession of

⁵ Sergeant Ibanez erroneously broadcast he was Code Six at Central Avenue and 34th Street. The correct location was Central Avenue and 35th Street.

⁶ Police Safety Representative (PSR) II, D. Robinson, Serial No. N1392, was the CD representative assigned to Newton Patrol Division frequency during this incident.

⁷ The FID investigation determined that the distance to 29th Street and Central Avenue, where the OIS occurred, from East Vernon and Compton Avenue was approximately 1.3 miles.

⁸ FID detectives interviewed PRs Smith and Soto from the previous radio call. The description of the suspect matched Flores, but neither Smith nor Soto could positively identify Flores as the individual they had observed with the knife.

⁹ According to Senior PSR II, T. Austin, Serial No. N1271, CD, the RTO who broadcast there were no related calls was the same RTO who broadcast information about a man with a knife at Vernon Avenue and Compton Avenue.

either; however, he stated he was going to check the area to *assess* and would request an additional unit if needed (**Additional/Equipment – Edged Weapons Protocol**).

According to Sergeant Ibanez, four units were at court hearings and an additional two units were assisting with an arrest incident involving multiple arrestees. Therefore, Sergeant Ibanez decided to assess the situation to see if an additional unit was necessary.

Note: According to the FID investigation, the LAPD Daily Worksheet for Newton Patrol Division, Watch Two, had a total of 10 patrol units working on the day of this incident.

According to Sergeant Ibanez, he informed Witness Serrano he *was going to check the area* for Flores. Sergeant Ibanez entered his police vehicle, left Witness Serrano, and proceeded *northbound on Central at a slow speed* where he observed numerous community members including *kids going to school*. As Sergeant Ibanez attempted to speak with an unidentified woman at a bus stop, he was again contacted by Witness Serrano, who informed him that Flores was in the area of 33rd Street and Central Avenue. Sergeant Ibanez asked Witness Serrano for a description of Flores and Witness Serrano informed him that Flores was wearing a hat, a blue shirt and black shorts and walking towards *the alley*. Sergeant Ibanez negotiated a U-turn and drove southbound on Central Avenue towards 33rd Street at which time Sergeant Ibanez heard the RTO request for additional units to respond to Sergeant Ibanez location; however, Sergeant Ibanez informed the RTO to “stand by” and he would request additional resources if needed (**Additional Tactical Debrief Topic – Situational Awareness**).

According to the FID investigation, Detective B. Valdez, Serial No. 36464, Newton Area Detectives, and Officers T. Patino, Serial No. 32118, S. Ruiz, Serial No. 41335, and K. Fuentes, Serial No. 37478, Newton Gang Impact Team (GIT) were at Newton CPS working on administrative duties and attired in plainclothes when they heard Sergeant Ibanez’ initial broadcast (**Additional Tactical Debrief Topic – Identifying Police Attire**).¹⁰

According to Officers Ruiz and Fuentes, after they heard Sergeant Ibanez’ broadcast and an absence of additional Department personnel responding to his location, they decided to discontinue their administrative duties and respond on foot to assist Sergeant Ibanez due to his close proximity to Newton CPS (**Debriefing Point No. 1 – Tactical Communication/Tactical Planning and No. 2 – Required Equipment and Additional/Equipment – Required Equipment**).

According to Officer R. Ruvalcaba, Serial No. 37280, Newton Patrol Division, who was dressed in full police uniform, he *was assigned to work the desk* when he observed Detective Valdez, and Officers Ruiz, Fuentes, and Patino *run downstairs informing him that a supervisor was requesting a backup for a man in possession of a knife* in front of Newton CPS.

¹⁰ Detective Valdez was wearing a blue polo shirt with the logo “Newton 13 Detectives” on the left chest area, beige pants and black shoes. Officer Ruiz was wearing a black button up shirt, blue jeans and brown shoes. Officer Fuentes was wearing a green/olive colored shirt, black sweatshirt, blue jeans and black shoes.

Note: According to the FID investigation, a review of Newton Division's base frequency determined that Sergeant Ibanez did not request a back-up during his initial broadcast.

According to Officer Ruvalcaba he *decided to assist because* he noticed Detective Valdez and the officers *were not carrying a Taser or any other less lethal* options and followed them as they exited Newton CPS and proceeded to the intersection of 34th Street and Central Avenue; however, they were unable to locate Sergeant Ibanez.

According to the FID investigation, at approximately 0808:52 hours, Officer Ruiz broadcast to CD, asking for an updated location for Sergeant Ibanez, as they were unable to locate Sergeant Ibanez. Sergeant Ibanez stopped briefly when he reached the northwest corner of Central Avenue and 33rd Street. As he negotiated a westbound turn onto 33rd Street, Sergeant Ibanez advised CD that he was on 33rd Street, west of Central Avenue.

According to the FID investigation, at approximately 0809:16 hours, Officer Ruiz advised CD that he and Officers Patino and Fuentes were Code Six in the area and continued walking to Sergeant Ibanez location.

Note: Detective Valdez and Officer Ruvalcaba did not broadcast that they were Code Six at this time.

According to Sergeant Ibanez, he heard Officer Ruiz broadcast that he and other Department personnel *were in the area of 34th Street and Central Avenue* but was not aware *if they were on foot or in a vehicle*.

According to Officer Ruiz, it was not feasible for them to go back into Newton CPS, grab their car keys and obtain a police vehicle. Therefore, they decided to walk one block north towards Sergeant Ibanez' location.

According to Sergeant Ibanez, as he responded to the area described by Witness Serrano he observed Flores at the *mouth of a north/south alley* where Flores proceeded to walk north through the alley which was located between 33rd Street and 32nd Street and to the west of South Central Avenue. Sergeant Ibanez positioned his police vehicle near the mouth of the alley as he continued to observe Flores walk north through the alley (**Additional/Equipment – Digital In-Car Video**).

According to Sergeant Ibanez, he followed Flores *at a distance* as Flores continued walking through the alley. Sergeant Ibanez observed Flores *make a furtive movement like he was hiding an object towards the front waistband of his pants pocket* and continuously looked back in Sergeant Ibanez' direction while *fidgeting with his right hand out of sight in his front waistband*. Sergeant Ibanez continued to follow Flores as Flores exited the alley and made a right turn *eastbound on 32nd Street* where Flores proceeded to stop on the *northwest corner of Central Avenue and 32nd Street, turned around and looked in Sergeant Ibanez' direction*.

According to the FID investigation, Sergeant Ibanez stopped his vehicle at the intersection of 32nd Street and Central Avenue where Sergeant Ibanez initiated contact with Flores through the open driver's side window of his vehicle with the intention to assess the situation, try to determine if a crime had occurred, and request additional resources if necessary. As captured on BWV, Sergeant Ibanez asked Flores, "Hey man, what do you got? What do you got in your waistband?"¹¹ (Debriefing Point No. 1 – Tactical Communication/Tactical Planning)

According to Sergeant Ibanez, when he attempted to converse with Flores, he was approximately 50-100 feet away from Flores and observed Flores was *sweating, scratching, moving back and forth, and adjusting his front waistband*. Due to Sergeant Ibanez training as a Department Drug Recognition Expert (DRE), Sergeant Ibanez believed Flores to be *either under the influence or mentally ill*.¹² Flores mumbled something indecipherable to Sergeant Ibanez and walked north on Central Avenue. Due to Sergeant Ibanez' observations of Flores, he became concerned for the community members in the area including *kids going to school*.

According to the FID investigation, Detective Valdez and Officers Ruiz, Fuentes, Patino, and Ruvalcaba arrived at the intersection of Central Avenue and 33rd Street; however, they did not see Sergeant Ibanez. Officer Ruiz broadcast to CD, asking for an updated location.

According to the FID investigation, at approximately 0810:48 hours, Sergeant Ibanez advised CD that Flores was walking north on the west sidewalk of Central Avenue, approaching 29th Street. He provided a description of Flores, advising that Flores was a male Hispanic, wearing a black hat, blue shirt and black shorts. As captured by Officer Ruvalcaba's BWV, Detective Valdez and Officers Ruiz, Fuentes, and Ruvalcaba began running north on the west sidewalk of Central Avenue from 33rd Street. Due to a pre-existing knee injury, Officer Patino discontinued his response and returned to Newton CPS.

According to Sergeant Ibanez, as he pulled his police *vehicle to the intersection* of 32nd Street and Central Avenue, he looked south and observed Detective Valdez, and Officers Ruiz, Fuentes, and Ruvalcaba *walking rapidly towards his direction*. Sergeant Ibanez turned his police vehicle south on Central Avenue to pick up Detective Valdez, and Officers Ruiz, Fuentes, and Ruvalcaba, as he continued to monitor Flores while utilizing the police vehicle's rearview mirror where he observed *Flores started to pick up the pace while looking in Sergeant Ibanez' direction*.

According to the FID investigation, at approximately 0811:39 hours, Sergeant Ibanez pulled to the curb in front of 3209 Central Avenue and picked up Detective Valdez and Officers Ruiz, Fuentes and Ruvalcaba.¹³ Sergeant Ibanez noted that Officer Ruvalcaba was in full uniform and was equipped with a TASER. Sergeant Ibanez believed he did not have time to fully evaluate the equipment worn by Detective Valdez and Officers Ruiz and Fuentes who were attired in

¹¹ Gleaned from Sergeant Ibanez' BWV at approximately 0810:35 hours. Due to Sergeant Ibanez' positioning within the police vehicle, his BWV did not capture Flores at this time.

¹² Sergeant Ibanez was previously qualified as a Department Drug Recognition expert (DRE). He completed the Department's DRE course in 2013.

¹³ The distance between the intersection of 32nd Street and 3209 Central Avenue was approximately 130 feet.

plainclothes. However, he observed them wearing *detective duty belts* and believed they were each carrying their pistol, OC Spray and handcuffs.

According to the FID investigation, Officers Ruiz and Fuentes sat together on the front passenger seat, while Officer Ruvalcaba was seated on the rear driver's side and Detective Valdez on the rear passenger's side of the vehicle (**Debriefing Point No. 1 – Tactical Communication/Tactical Planning**).

According to the FID investigation, Sergeant Ibanez' police vehicle was equipped with a partition dividing the front seat portion from the rear seat portion the police vehicle. Officer Ruvalcaba was cognizant that he and Detective Valdez may not be able to open their respective doors from the inside. Therefore, Officer Ruvalcaba requested Sergeant Ibanez roll down the back windows, so they could access the exterior door handles and let themselves out of the police vehicle.

According to Sergeant Ibanez, he conducted a *U-turn* with his police vehicle and headed north on Central Avenue when he provided Detective Valdez, and Officers Ruiz, Fuentes, and Ruvalcaba with Flores clothing description and that Witness Serrano had informed him that Flores was armed with a knife.

According to Officer Fuentes, as they approached Flores location, she observed Flores in possession of a *large butcher knife*; however, she did not communicate her observation with others, believing they too had seen the knife (**Debriefing Point No. 1 – Tactical Communication/Tactical Planning**).

According to Sergeant Ibanez, he observed Flores standing on the sidewalk, next to a female *street vendor*, just south of the Tam's Burgers restaurant. Sergeant Ibanez also observed multiple community members in the area and was concerned for the *community safety*. Sergeant Ibanez pointed in Flores' direction and verbally identified him as the suspect. According to Sergeant Ibanez, there was not enough time to formulate a tactical plan with Detective Valdez and Officers Ruiz, Fuentes and Ruvalcaba while they were in the police vehicle, due to Flores' close proximity to their location.

Note: An analysis of the BWV by FID investigators determined that Detective Valdez and Officers Ruiz, Fuentes and Ruvalcaba were in Sergeant Ibanez' vehicle for approximately 15 seconds prior to Sergeant Ibanez identifying Flores to the officers.

The distance between 3209 Central Avenue and the Tam's Burgers restaurant was approximately 720 feet.

According to Sergeant Ibanez, he was aware Flores may be armed with a knife and was displaying symptoms of being *under the influence or suffering from mental illness*. Sergeant Ibanez was concerned for the safety of the community members and *was attempting to determine if Flores was safe to just let go into the community*. Sergeant Ibanez made the decision they

needed to *take action now* as opposed to requesting and awaiting *additional units* as it was *four plus one* dealing with Flores.

According to the FID investigation, Sergeant Ibanez stopped his police vehicle in the middle of Central Avenue, facing north, partially blocking the number one lane for southbound traffic.¹⁴ According to Sergeant Ibanez, he again attempted to initiate verbal communication with Flores by yelling, “Hey man, stop right there. We need to talk to you,” to Flores through his open driver’s side window. After Sergeant Ibanez yelled this command, he observed Flores pull *the knife* from *his right pants pocket* then *holster the knife back into his pocket*, wherein Sergeant Ibanez declared, “he has the knife on his right pants pocket,” for Detective Valdez, and Officers Ruiz, Fuentes, and Ruvalcaba to hear. Flores then ran in a northwesterly direction through the Tam’s Burger restaurant parking lot (**Debriefing Point No. 1 – Tactical Communication/Tactical Planning**).

According to the FID investigation, at approximately 0812:40 hours, Officers Fuentes and Ruiz exited the police vehicle. Detective Valdez’ door was locked, and he was unable to open it from the inside. Therefore, Officer Fuentes opened the rear passenger door for Detective Valdez. As Detective Valdez exited the police vehicle, he broadcast to CD that he was Code Six on the back-up. Officer Ruvalcaba reached out of his window, opened the rear driver’s side door using the exterior door handle, and exited the police vehicle.

Note: CD broadcast that Detective Valdez was Code Six northbound Central Avenue at 29th Street and advised him that there was no back-up request.

An analysis of the BWV by FID investigators determined that from the time Sergeant Ibanez picked up Detective Valdez and Officers Ruiz, Fuentes and Ruvalcaba, to the time they exited the police vehicle, approximately 40 seconds elapsed.

According to the FID investigation, Officers Ruiz ran in a northwesterly direction, across the southbound lanes of Central Avenue, followed by Officer Fuentes.

According to Officer Ruiz, Flores appeared to be holding onto his waistband area, as if he were concealing an object. Since Sergeant Ibanez previously informed him that Flores was armed with a knife, Officer Ruiz believed the knife was in Flores’ waistband area.

According to the FID investigation, as Flores approached the north side of the Tam’s Burgers restaurant parking lot, he began to slow down where Officers Ruiz and Fuentes drew their service pistols.

According to Officer Ruiz, he had received information from Sergeant Ibanez that Flores was *walking up to people* while armed with a knife. Officer Ruiz observed Flores and came to the belief that Flores was, “maybe high or something, under the influence or something.” Based on

¹⁴ According to Officer Ruvalcaba, Flores was approximately 25 feet away from the police vehicle (Page 33, Line 11-12).

the belief that Flores was in possession of a *knife*, was *approaching people*, had his *hand still in his waistband*, and was ignoring officers' commands, Officer Flores believed that *the tactical situation could escalate to a point where deadly force would be necessary*. Officer Flores unholstered his service pistol (**Drawing/Exhibiting First Occurrence - Officer Ruiz**).

According to Officer Fuentes, she observed Flores holding a "butcher knife" in his hand and in a *close proximity* to pedestrians where he could possibly "slash" someone or *take someone hostage*. Officer Fuentes drew her service pistol as she believed Flores posed an *imminent threat* of injury or death to herself, her partners, and to the community (**Drawing/Exhibiting - Officer Fuentes**).

According to the FID investigation, Flores turned in a clockwise direction and faced towards Officers Ruiz and Fuentes. As captured by Tam's Burgers restaurant security video, Flores was holding a large knife in his right hand. Officer Ruiz ordered Flores to drop the knife. Flores did not comply with Officer Ruiz' commands (**Additional/Equipment – Profanity**).

According to Officer Ruiz, he did not observe the knife at this time. He ordered Flores to drop the knife based on the information he had received from Sergeant Ibanez and his belief that the knife was concealed in Flores' waistband area. In order to *identify himself as a police officer*, Officer Ruiz utilized his left hand to tuck in the front right side of his shirt, exposing his badge. Officer Ruiz said he pointed at his badge in an *exaggerating* manner to direct Flores' attention to it. Flores was *sweating* and appeared *under the influence* as he looked in the direction of his badge/waistband area with a *blank stare*.

According to the FID investigation, after Officer Ruvalcaba exited the police vehicle, he unholstered and drew his service pistol, holding it in his right hand while pointing it towards the ground.¹⁵ Officer Ruvalcaba and Detective Valdez walked to the west sidewalk of Central Avenue.

According to the FID investigation, after Officer Ruvalcaba exited the police vehicle, he unholstered and drew his service pistol, holding it in his right hand while pointing it towards the ground. Officer Ruvalcaba did not recall drawing his service pistol during the incident.

According to Officer Ruvalcaba, while he was inside of the police vehicle he was aware that Flores was armed with a knife. Upon exiting the patrol vehicle, Officer Ruvalcaba observed Flores holding the *knife* as Flores ran towards the Tam's Burger parking lot (**Drawing/Exhibiting - Officer Ruvalcaba**).

According to Detective Valdez, he observed Flores in the area of people, where Flores was *swinging his arms around* while holding a knife in his hand. Detective Valdez noted Flores appeared *under the influence* as Flores *looked aggressive*, was *sweating profusely*, and was walking with *clenched fists*. Detective Valdez opined Flores was in a state of "agitated delirium." Based on his observations, Detective Valdez drew his service pistol to protect the

¹⁵ Officer Ruvalcaba did not recall drawing/exhibiting his service pistol during this incident.

people that were “right near” Flores and believed the situation *was going to escalate to the use of deadly force (Drawing/Exhibiting First Occurrence - Detective Valdez)*.

According to the FID investigation, as Flores walked backward in the parking lot, Officers Ruiz and Fuentes walked north on the west sidewalk of Central Avenue with their service pistols drawn. Detective Valdez and Officer Ruvalcaba ran in a northwesterly direction through the parking lot. Sergeant Ibanez drove north on Central Avenue and activated his overhead emergency lights and siren. Sergeant Ibanez turned west on 28th Street, at which time Flores ran north, across 28th Street. Sergeant Ibanez stopped his police vehicle in the crosswalk, facing west, blocking the eastbound lanes of 28th Street.

According to Sergeant Ibanez, he was repositioning the police vehicle, so they *could have a position of advantage, use the police vehicle as cover if need to, and de-escalate until additional units responded with either a 40 or a beanbag*. Sergeant Ibanez was not able to convey his intentions or provide direction to Department personnel due to the *fluid situation*.

Note: The emergency light bar must be activated for a minimum of seven seconds for the DICVS to begin recording. Sergeant Ibanez’ light bar was activated for approximately three seconds; therefore, the DICVS did not activate.

According to the FID investigation, at approximately 0813:00 hours, Sergeant Ibanez, while seated in his police vehicle, requested back-up, a 40mm LLL and a Beanbag Shotgun. He advised CD that Flores was running north on Central Avenue, at 28th Street, armed with a knife as Flores continued running north on the west sidewalk of Central Avenue.

According to Officer Ruiz, he observed a *group of* community members standing on the sidewalk north of Flores’ location and was concerned for their safety. He was also aware of a school located a short distance from their location, and due to the time of morning he knew there would be heavy pedestrian traffic in the area.

According to the FID investigation, Officer Ruiz and Detective Valdez holstered their service pistols and followed Flores on foot. They ran north across 28th Street, followed by Officers Fuentes and Ruvalcaba.

According to Officer Ruiz, his intentions were to maintain a visual of Flores, *not to apprehend*, and ensure that Flores did not *approach any kids and/or take a hostage*. As Officer Ruvalcaba crossed 28th Street, he yelled, “I have the TASER up.” Officer Ruiz was concerned about the community and remembered how dangerous someone with a knife can be as he remembered an *incident in the Valley where a suspect took a victim hostage and ended up cutting her throat*.

According to the FID investigation, Flores abruptly stopped running, then turned and faced south, towards the officers. Detective Valdez unholstered his service pistol, held it in his right hand and pointed the muzzle in a northerly direction towards Flores. Detective Valdez did not articulate drawing his service pistol a second time during this incident. According to Detective

Valdez, he advised Flores to drop the knife or he would be shot. Flores did not comply with Detective Valdez' command (**Drawing/Exhibiting Second Occurrence - Detective Valdez**).¹⁶

According to the FID investigation, Officer Ruiz stopped in the number two lane of southbound Central Avenue and unholstered his service pistol, which he held in a two-hand shooting position, with the muzzle pointed in a northerly direction towards Flores. As captured by BWV, Flores began walking in a southerly direction towards Officer Ruiz, while holding the knife in his right hand. Officer Ruiz yelled, "Don't come at me! Don't come at me!"

According to Officer Ruiz, after Flores stopped running and Department personnel again made contact with Flores, Officer Ruiz drew his service pistol a second time as he observed Flores' hand in Flores' *waistband* and *not complying* with commands. Officer Ruiz believed Flores was *going to hurt someone or possibly take a hostage* as Flores still had a knife in his possession. Flores turned around and "squared up against" the officers. Officer Ruiz drew his service pistol as he believed that the *tactical situation could rise to the point where deadly force may be justified* (**Drawing/Exhibiting Second Occurrence - Officer Ruiz and Additional Tactical Debrief – Lag Time**).¹⁷

According to Officer Ruiz, Flores looked *straight at him*. While doing so, Flores, *in a rapid motion*, took the knife out from his *waistband*, focused on Officer Ruiz, and began a "full on charge" at Officer Ruiz. Flores took *large steps* as Flores was "full on like sprinting" towards Officer Ruiz. Officer Ruiz was in fear of being stabbed by Flores, becoming "scared" and believing Flores was going to "kill" Officer Ruiz. Officer Ruiz provided commands to Flores not to approach Officer Ruiz. Flores disregarded Officer Ruiz' commands and continued his rapid advancement towards Officer Ruiz. Officer Ruiz stated that Flores was not showing any indication that he was going to stop. Officer Ruiz assessed his background and *focused* on his front sight. Officer Ruiz was cognizant that there were pedestrians and children in the area and was concerned for their safety. According to Officer Ruiz, just prior to firing his first round, he looked behind Flores to see if any people were in his background. Officer Ruiz observed a box truck behind Flores and felt confident that his background was clear. In fear that Flores was going to stab or kill him, Officer Ruiz side-stepped away from Flores and fired what he believed was three to four rounds at Flores. Officer Ruiz conducted a *quick assessment* between each shot he discharged. Officer Ruiz observed Flores falling to the ground and ceased firing as Flores collapsed approximately *three to five feet away* from Officer Ruiz (**Lethal Use of Force – Officer Ruiz**).

Note: According to the FID investigation, Officer Ruiz discharged five rounds, in a north to northeasterly direction from an approximate distance of 12 feet within approximately 1.1 seconds.

According to Officer Ruvalcaba, he observed that Flores was running while in possession of a large *kitchen* knife. Flores began to *charge* Officer Ruiz. In an attempt to stop Flores from

¹⁶ Detective Valdez was not interviewed by FID investigators about his second occurrence of Drawing/Exhibiting.

¹⁷ Training Bulletin, Volume XLVI, Issue 3, "Weapons Other Than Firearms," October 2017. Lag time is defined as the time it takes a person to react to an action.

violently assaulting Officer Ruiz, Officer Ruvalcaba discharged his TASER. Officer Ruvalcaba estimated that Flores got within approximately six feet of Officer Ruiz, before falling to the ground (**Less-Lethal Use of Force – Officer Ruvalcaba**).

According to the FID investigation, Officer Ruvalcaba discharged one TASER activation, in probe mode, in an easterly direction, from an approximate distance of 19 feet.

According to Detective Valdez, he heard the TASER activation prior to the gunshots.

Note: An analysis of the BWV by FID investigators determined that Officer Ruiz discharged his service pistol just prior to the TASER activation. After Officer Ruiz fired his final shot, clicking/spark sounds can be heard emitting from Officer Ruvalcaba's TASER. During the subsequent autopsy examination, the medical examiner determined that there were no obvious TASER puncture wounds on Flores' skin.

According to the FID investigation, immediately following the OIS and TASER activation, Flores fell to the ground, landing on his right side. His right arm was tucked underneath his head/neck area and his left arm was in front of his body. As captured by Officer Ruvalcaba's BWV, as Flores fell, he dropped the knife, which landed in the street approximately 18 feet south of his body.

According to Officer Ruvalcaba, Flores was injured as a result of the OIS and was bleeding. Officer Ruvalcaba could observe that Flores' *hands clearly were empty*. Officer Ruvalcaba was unaware of the knife's whereabouts and did not want to allow Flores the opportunity to reach into his pockets and/or waistband area. Therefore, Officer Ruvalcaba decided to approach Flores to take him into custody. Detective Valdez advised Officer Ruvalcaba that he would provide cover for him.

According to the FID investigation, Officer Ruvalcaba removed the cartridge from his TASER, dropped the cartridge onto the ground, and attempted to holster his TASER. As he did so, he missed the holster, causing the TASER to fall onto the street, landing approximately seven feet, two inches west of Flores. Detective Valdez and Officer Ruiz kept their service pistols drawn and provided cover for Officer Ruvalcaba as he made his approach. As captured by BWV, Officer Ruiz gave commands to Flores, ordering him to "Stop, stop, don't move," and "Don't reach for the knife." Officer Ruvalcaba approached Flores from behind, placed both of his hands-on Flores' upper back area and rolled him onto his stomach. Officer Fuentes holstered her service pistol and also approached Flores (**Additional Tactical Debrief Topics - Maintaining Control of Equipment**).

According to the FID investigation, Officer Ruvalcaba grabbed Flores' left wrist with his left hand and Flores' right wrist with his right hand. Officer Fuentes then pulled Flores' hands behind his back. Using his right hand, Officer Ruvalcaba removed his handcuffs from their pouch and cuffed Flores' left wrist. Officer Fuentes kneeled down and assisted Officer Ruvalcaba, by holding Flores' right arm behind his back. Officer Ruvalcaba then cuffed Flores' right wrist and began a custodial search of his person. Once Flores was handcuffed, Detective

Valdez and Officer Ruiz holstered their pistols (**Additional Tactical Debrief Topic - Personal Protective Equipment**).

According to the FID investigation, as captured by BWV, Officer Fuentes asked Officer Ruvalcaba where the knife was located at and he replied, "I don't know." Together, Officers Ruvalcaba and Fuentes rolled Flores onto his back and Officer Ruvalcaba continued the custodial search. No additional evidence and/or contraband was recovered. Officers Ruvalcaba and Fuentes then returned Flores into a prone position by rolling him onto his stomach.

Note: According to Officer Fuentes, she only touched Flores' ankle area while attempting to locate the knife. However, a review of Sergeant Ibanez' BWV by FID investigators determined that she assisted Officer Ruvalcaba with the handcuffing process.

According to Sergeant Ibanez, he was still seated in his police vehicle at the time of the OIS where he *heard gunshots* and observed Flores fall to the ground; however, he did not witness Officer Ruiz discharge his service pistol.

According to the FID investigation, at approximately 0813:23 hours, Sergeant Ibanez broadcast a help call, advising that shots had been fired. Approximately 12 seconds later, Sergeant Ibanez requested a Rescue Ambulance (RA) for Flores, and additional units to assist with traffic control (**Additional/Equipment – Preservation of Evidence**).

According to the FID investigation, at approximately 0815:07 hours, Sergeant Jorge Diego, Serial No. 36263, Newton Patrol Division, arrived at scene.

According to Sergeant Ibanez, he directed *Sergeant Diego* to Officer Ruiz and advised him to *obtain a Public Safety Statement (PSS) from him*.

According to Sergeant Diego, he separated Officer Ruiz and requested additional supervisors respond to their location to assist with monitoring responsibilities. Sergeant Diego deactivated both his BWV and DICV, then obtained a PSS from Officer Ruiz and later transported Officer Ruiz to Newton CPS where he continued to monitor Officer Ruiz until relieved.

According to the FID investigation, at approximately 0821 hours, Los Angeles Fire Department (LAFD), Engine No. 14, staffed by Captain C. Scbourn, Serial No. 82467, Engineer M. Rockman, Serial No. 398445 and Firefighter/Paramedics (FF/PM) M. Perez, Serial No. 379380, and M. Farris, Serial No. 303950, arrived at scene and rendered aid to Flores. Flores succumbed to his injuries and was pronounced dead at scene at approximately 0825 hours.

At approximately 0840 hours, the Department Operations Center (DOC) was notified of the OIS (**Additional/Equipment - Protocols Subsequent to a Categorical Use of Force**).

Sergeant P. Bielma, Serial No. 27840, Central Patrol Division, arrived at the scene and obtained a PSS from Officer Ruvalcaba. Sergeant Bielma monitored and transported Officer Ruvalcaba to Newton CPS where she continued to monitor him until relieved.

Detective II R. Rivera, Serial No. 30675, Newton Area Detectives, arrived at the scene and obtained a PSS from Sergeant Ibanez. Detective Rivera monitored and transported Sergeant Ibanez to Newton CPS where he continued to monitor him until relieved.

Detective III G. Barboza, Serial No. 26277, Newton Area Detectives, arrived at the scene and obtained a PSS from Officer Fuentes. Detective Barboza monitored and transported Officer Fuentes to Newton CPS where he continued to monitor her until relieved.

Detective III E. Spear, Serial No. 32221, Newton Area Detectives, responded, admonished, monitored, and transported Detective Valdez to Newton CPS until relieved.

FINDINGS

Tactics – Administrative Disapproval, Sergeant Ibanez, Detective Valdez, and Officers Ruiz, and Fuentes.

Tactical Debrief, Officer Ruvalcaba.

Drawing/Exhibiting – In Policy, No Further Action, Detective Valdez, and Officers Ruiz, Fuentes, and Ruvalcaba.

Less-Lethal Use of Force – In Policy, No Further Action, Officer Ruvalcaba.

Lethal Use of Force – In Policy, No Further Action, Officer Ruiz.

ANALYSIS¹⁸

Detention

While driving in his police vehicle, Sergeant Ibanez was contacted by Witness Serrano, who informed Sergeant Ibanez she had observed Flores, whom Witness Serrano believed to be under the influence of narcotics or suffering from a mental illness, walking on a nearby sidewalk. Witness Serrano further informed Sergeant Ibanez that she observed Flores to be in possession of a large kitchen knife and he appeared to be scraping his abdomen with the exposed knife. Out of fear for the surrounding community, which consisted of multiple pedestrians including children walking to school in the area, she reported what she observed to Sergeant Ibanez.

Sergeant Ibanez left Witness Serrano and attempted to locate Flores. As Sergeant Ibanez was searching for Flores, Witness Serrano again approached Sergeant Ibanez and informed him of Flores updated location and provided Sergeant Ibanez with Flores physical description which included the clothes he was wearing. Sergeant Ibanez once again left Witness Serrano and

¹⁸ The analysis reflects my recommendations as supported by the preponderance of the evidence established by the investigation.

proceeded to the area she described Flores to be located. Sergeant Ibanez located and monitored Flores. Sergeant Ibanez observed Flores make multiple furtive movements towards his waistband area and believed Flores was concealing an object from view. Due to Sergeant Ibanez' training as a Department Drug Recognition Expert (DRE) and based on Flores objective actions, Sergeant Ibanez believed Flores to be under the influence of an unknown substance or suffering from a mental illness.

Sergeant Flores continued to follow and monitor Flores as additional Department personnel, which consisted of Detective Valdez and Officers Ruiz, Flores, and Ruvalcaba, joined Sergeant Ibanez. As Sergeant Ibanez and the additional Department personnel approached and attempted to make contact with Flores, Flores removed a knife from his front shorts pocket, in view of Department personnel. Sergeant Ibanez and the additional Department personnel attempted to detain Flores, resulting in an OIS.

Sergeant Ibanez, and Detective Valdez, and Officers Ruiz, Fuentes, and Ruvalcaba's actions of attempting to detain Flores were appropriate and within Department policies and procedures.

Tactics

Department policy relative to a Tactical Debrief is: "*The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance.*"

Tactical De-Escalation

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)*

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – Sergeant Ibanez was notified by Witness Serrano that she had observed Flores walking north on Central Avenue while in possession of a large knife, in addition to appearing

either under the influence of a narcotic or suffering from a mental illness. Due to Sergeant Ibanez' belief of having a limited number of patrol personnel available in Newton Patrol Division, Sergeant Ibanez planned on attempting to locate Flores, determine if a crime had been committed, and should the need arise, request additional resources. Through the direction of Witness Serrano again informing Sergeant Ibanez of Flores location, Sergeant Ibanez was able to locate Flores, wherein Sergeant Ibanez followed Flores as he travelled north through an alley, east on 32nd Street, and north on Central Avenue. As Flores continued to walk north on Central Avenue, Sergeant Flores observed Detective Valdez and Officers Ruiz, Fuentes, and Ruvalcaba approaching his location. Sergeant Ibanez picked up Detective Valdez and Officers Ruiz, Fuentes, Patino and Ruvalcaba in his police vehicle where Sergeant Ibanez informed them of Flores' clothing description and that Flores was possibly armed with a knife; however, there was no plan created as to how responding personnel were to handle the incident. According to Sergeant Ibanez, the incident was fluid and there was no time to create and discuss a tactical plan with the additional Department personnel.

The UOFRB concluded, and I concur, that while this was a rapid and fluid incident Sergeant Ibanez had the opportunity to develop a tactical plan as he searched for, located, and followed Flores. The UOFRB noted, that while there were Newton Patrol Division officers involved in other duties, Newton Patrol Division has multiple additional geographic patrol divisions in a close proximity to assist either with this incident or to assist in general patrol functions as Newton personnel attend to this incident. Sergeant Ibanez also had the ability to develop and communicate a tactical plan after he picked up Detective Valdez and Officers Ruiz, Fuentes, and Ruvalcaba in his police vehicle and drove towards Flores location. I would have preferred and expected that Sergeant Ibanez, a tenured supervisor, had developed a basic tactical plan prior to making contact with Flores. Additionally, once Sergeant Ibanez had additional Department personnel with him, I would have preferred Sergeant Ibanez slowed down the intensity of the incident and communicated a tactical plan. This would also include designating roles which included an assigned contact officer, Designated Cover Officer (DCO), and less-lethal force options.

Detective Valdez and Officers Ruiz, Fuentes, and Ruvalcaba, who were working administrative and front desk duties inside Newton CPS, exited Newton CPS, to assist Sergeant Ibanez. As they exited Newton CPS to assist Sergeant Ibanez with what they believed was a man with a knife, Detective Valdez and Officers Ruiz and Fuentes had not donned their ballistic vests. In addition, Officer Fuentes was not in possession of an extra magazine or a set of handcuffs and Officer Ruvalcaba who was in full police uniform was also not in possession of his baton. According to Officer Ruiz and Fuentes, they immediately responded due to Sergeant Ibanez working alone, Sergeant Ibanez' proximity to Newton CPS, and not hearing that additional Department personnel were responding to his location. According to Detective Valdez, and Officers Ruiz, Fuentes, and Ruvalcaba no plan was created or discussed as they responded to the Sergeant Ibanez' location. Additionally, as they located and entered Sergeant Ibanez' police vehicle, no plan was discussed as to how they were going to handle the incident nor was it discussed as the incident unfolded. Officer Ruvalcaba attempted to coordinate with the other officers, as he designated himself the less lethal cover officer with a TASER. According to

Detective Valdez and Officer Fuentes, there was no time to create or implement a plan due to the exigency of the incident.

The UOFRB concluded, and I concur, that while this was a rapid and fluid incident Detective Valdez and Officers Ruiz, Fuentes, and Ruvalcaba were expected to take the time afforded to them to form a plan and designate clear roles and responsibilities for handling an incident, which includes donning their ballistic vests and being in possession of all their required equipment when expecting to make contact with a possibly armed individual while outside of Newton CPS. The UOFRB noted that while the responding officers' concern for Sergeant Ibanez' safety while working alone and investigating a man with a knife is commendable, it does not alleviate their responsibility to adhere to Department policies. In this case, they created the exigency for themselves in their response. I would have preferred Detective Valdez and Officers Ruiz, Fuentes, and Ruvalcaba slowed down and evaluated the incident and created a tactical plan among themselves and with Sergeant Ibanez.

Assessment – Sergeant Ibanez assessed the information provided by Witness Serrano regarding Flores behavior and the danger he posed to the community. Sergeant Ibanez then took into consideration the information he had garnered from roll call of multiple Newton Patrol Division officers assisting a multiple individual arrest and Newton Patrol Division units in court. As a result, he made the decision to assess the incident to determine if Flores was still in the area before requesting additional resources. Sergeant Ibanez located and monitored Flores, where he made the determination that Flores was either under the influence of an unknown substance or suffering from a mental illness. It also appeared that Flores was concealing an unknown object in the front waistband of his shorts.

As Sergeant Ibanez continued to monitor Flores, he observed numerous community members in the area. Sergeant Ibanez also observed Detective Valdez and Officers Ruiz, Fuentes, and Ruvalcaba approaching his location to assist him with Flores and drove his police vehicle to their location to pick them up. As they entered his police vehicle Sergeant Ibanez observed Officer Ruvalcaba dressed in full police uniform and in possession of a TASER and Detective Valdez and Officers Ruiz and Fuentes were wearing their detective duty belts. Sergeant Ibanez drove the police vehicle to where Flores was located and observed Flores remove a knife from his pocket and then place the knife back into his pocket. He notified Detective Valdez and Officers Ruiz, Fuentes, and Ruvalcaba that he had observed Flores in possession of a knife. Sergeant Ibanez continued to assess while relocating his police vehicle as Detective Valdez and Officers Ruiz, Fuentes, and Ruvalcaba exited his police vehicle and made contact with Flores. Sergeant Ibanez then initiated a back-up request. Upon hearing Officer Ruiz discharge his service pistol, he upgraded his request to an "Officer Needs Help" call. Subsequent to the OIS, Sergeant Ibanez assessed the immediate need for a rescue ambulance and his need to isolate Officer Ruiz. He also assessed the need for additional Department personnel and resources to assist in containing the scene.

The UOFRB concluded, and I concur, that while Sergeant Ibanez made assessments during the incident, most notably the danger Flores presented to the community, those assessments were not followed by substantive action such as requesting additional resources to assist with Flores.

Sergeant Ibanez, a tenured supervisor, would be reasonably expected to contact CD for additional personnel rather than attempt to manage the incident on his own.

Detective Valdez and Officers Ruiz, Fuentes, and Ruvalcaba assessed Sergeant Ibanez' broadcast to CD and determined that additional personnel should assist Sergeant Ibanez due to Sergeant Ibanez working alone. Furthermore, no other Department personnel were broadcasting a response to his location. Officer Ruvalcaba assessed that as plainclothes officers were exiting Newton CPS, they did not have a less-lethal option with them. Officer Ruvalcaba made the determination to assist the plainclothes officers because he had a TASER. After entering Sergeant Ibanez' police vehicle, Officer Ruvalcaba recognized he would be unable to exit the police vehicle from the rear passenger seat and advised Sergeant Ibanez to roll down the rear windows so Officer Ruvalcaba could reach the vehicle's exterior door handle and open the door when needed. Upon assessing that Flores had a knife and the situation may rise to the use of deadly force, Officers Ruiz, Fuentes, Ruvalcaba and Detective Valdez unholstered and drew their service pistols. Officer Ruvalcaba further assessed that lethal force options were already covered, drew his TASER as a less-lethal force option, and notified the other officers and detective that he had the TASER. Officer Fuentes was unholstered at the light post when she assessed that Officer Ruiz was moving in front, so she came down to a low-ready position with her service pistol. Officer Ruvalcaba discharged the TASER to protect Officer Ruiz after assessing that Flores was running with a knife in his hand toward Officer Ruiz.

While still in possession of a knife, Flores turned towards Officer Ruiz and began to charge Officer Ruiz. Officer Ruiz assessed his background and determined his background to be free from community members. He also observed a box truck behind Flores. As Flores continued to advance, Officer Ruiz articulated his assessment that Flores presented an imminent threat of death or serious bodily injury to him and discharged his service pistol. that a box truck was in his background and it was clear. As Flores continued his advance, Officer Ruiz assessed that Flores was an imminent threat of death or serious bodily injury to himself and discharged his service pistol. Officer Ruiz made assessments between each discharged round and ceased firing his service pistol after assessing Flores had collapsed.

The UOFRB concluded, and I concur, that while Sergeant Ibanez, Detective Valdez, and Officers Ruiz, and Fuentes made some assessments throughout the incident, these assessments were not shared or communicated, and a tactical plan was not formed. I would have preferred they had worked as a team guided by Sergeant Ibanez and not as individuals.

Time – Sergeant Ibanez was afforded some time to create a tactical plan and request additional resources after he met with Witness Serrano, searched for, located, and eventually began following Flores.

According to the FID investigation from the time Sergeant Ibanez picked up Detective Valdez, and Officers Ruiz, Fuentes, and Ruvalcaba in his police vehicle to the time Detective Valdez, and Officers Ruiz, Fuentes, and Ruvalcaba exited the police vehicle, 40 seconds had elapsed. During this time, Sergeant Ibanez informed Detective Valdez, and Officers Ruiz, Fuentes, and Ruvalcaba of what Flores was wearing and that he had been informed by Witness Serrano that

Flores was in possession of a knife. Officer Ruvalcaba verbally communicated and designated himself as a less-lethal cover officer.

According to Sergeant Ibanez, the incident was rapidly unfolding where immediate action was needed, and there was no time to create a tactical plan.

The UOFRB concluded, and I concur, that while Flores was a danger to the community, there was sufficient time to develop and communicate a basic tactical plan and designation of roles, i.e. contact, cover, lethal, and less-lethal options. Additional resources should have been requested to include additional less-lethal munitions and a shield to create a stand-off distance. The UOFRB noted that Detective Valdez, and Officers Ruiz, Fuentes, and Ruvalcaba created the exigency in their response. I would have preferred Sergeant Ibanez had taken more of a leadership role and created a tactical plan and discussed the plan with all Department personnel involved prior to making contact with Flores.

Redeployment and/or Containment – As Flores continued to travel north through the Tam's Restaurant parking lot, the officers believed the situation to be rapidly unfolding and attempted to keep containment on Flores. As Flores charged Officer Ruiz from the north in a slightly south easterly direction, Officer Ruiz redeployed in a south westerly direction in order to create distance.

Fuentes moved towards the light post for cover and Detective Valdez moved towards the building to take a barricade position on the northwest corner as Flores moved into the street.

Other Resources – Sergeant Ibanez placed himself Code Six and inquired to CD if a radio call had been generated in the area of 34th Street and Central Avenue for a “man with a knife.” He was advised that no call had been generated. In response, CD broadcast, “Newton units to respond to 34th and Central for a 415 man with a knife identify,” and asked Sergeant Ibanez if he was equipped with a Beanbag Shotgun (Code Sam) or a 40mm LLL (Code Sam 40). Sergeant Ibanez broadcast he was not in possession of either less-lethal force option and informed CD that he would check the area and request additional units if he deemed the need necessary.

Due to the nature of Sergeant Ibanez’ broadcast of a man with a knife, the absence of additional personnel responding, and Sergeant Ibanez’ close proximity to Newton CPS, Detective Valdez, and Officers Ruiz, Fuentes, and Ruvalcaba responded from Newton CPS as additional resources to assist Sergeant Ibanez.

While Officers Ruiz, Fuentes, Ruvalcaba and Detective Valdez were engaged with Flores, Sergeant Ibanez requested a back-up. Immediately following the OIS, Sergeant Ibanez broadcast an “officer needs help” call, requested a rescue ambulance, and also requested additional resources to assist in controlling to the scene.

The UOFRB was critical of Sergeant Ibanez' declining of additional resources offered to him from CD as part of policy and procedure.¹⁹ Sergeant Ibanez' request for additional less-lethal force options and personnel, including a ballistic shield, and not utilizing or considering the air unit, limited available options. The UOFRB also noted as Detective Valdez, and Officers Ruiz, Fuentes, and Ruvalcaba joined Sergeant Ibanez, the onus did not entirely land on Sergeant Ibanez and that any Department employee, no matter their rank or position, could have requested additional resources. The UOFRB recognized Officer Ruvalcaba's identification of the need for less-lethal force options prior to and during his response. In addition, Officer Ruvalcaba demonstrated active communication and leadership by announcing the utilization of the TASER in an attempt to de-escalate and preserve life. I would have preferred the aforementioned additional resources had been requested and utilized prior to making contact with Flores.

Lines of Communication – Sergeant Ibanez provided his initial Code Six location to CD but did not update his location until prompted by Officer Ruiz' requests. Sergeant Ibanez twice attempted to make verbal contact with Flores while Sergeant Ibanez was seated inside of his patrol vehicle. Sergeant Ibanez discussed Flores' actions and provided a description of Flores to Officers Fuentes, Ruiz, Rulvalcaba and Detective Valdez. Sergeant Ibanez also advised the officers and detective that Flores may have a knife in his possession. As the incident progressed, Sergeant Ibanez broadcast a backup request and upgraded that request to an "officer needs help" call.

Upon hearing Sergeant Ibanez' initial broadcasts Detective Valdez, and Officers Ruiz, Fuentes, and Ruvalcaba communicated with each other and made the decision to leave Newton CPS to assist Sergeant Ibanez. Officer Ruiz utilized CD to locate Sergeant Ibanez; however, no other discussions occurred among the personnel until they were picked up by Sergeant Ibanez. Once inside of the police vehicle, Officer Ruvalcaba directed Sergeant Ibanez to roll down the police vehicles rear windows to provide access to open their doors and exit.

Detective Valdez to open their doors. As Detective Valdez, and Officers Ruiz, Fuentes, and Ruvalcaba exited the police vehicle multiple commands were given to Flores in an attempt to convey to him the importance of dropping the knife and to not approach officers. Officer Ruvalcaba, recognizing lethal force options were deployed, drew his TASER and yelled that he had a less-lethal force option available to inform the other personnel at scene. Subsequent to the OIS, Detective Valdez, and Officers Ruiz, Fuentes, and Ruvalcaba communicated with each other to take Flores into custody.

The UOFRB concluded, and I concur, that communication among all Department personnel at scene, including with CD were minimal. The UOFRB was critical of Sergeant Ibanez limited communications with CD, delaying requests for additional personnel and equipment upon becoming aware that Flores was in fact in possession of a knife.

¹⁹ Communications Division, Divisional Order No. 2, February 21, 2019, "Response Protocol for Calls Involving Knives, Swords, or Any Edged Weapons – Revised."

The UOFRB also noted Detective Valdez', Officers Ruiz, Fuentes, and Ruvalcaba's lack of communication amongst each other. The UOFRB again gave mention to Officer Ruvalcaba in realizing that he and Detective Valdez would be useless in the incident if they were locked in the back of a police vehicle wherein he directed Sergeant Ibanez to roll down the police vehicles windows which would provide them access to exit and assist. Officer Ruvalcaba also loudly announced that he had his TASER drawn and took over the role of less-lethal force option. I would have preferred Sergeant Ibanez and Detective Valdez, and Officers Ruiz, Fuentes, and Ruvalcaba had utilized their Department radios to relay information, not only to each other, but for all Department personnel in the area to hear and have situational awareness.

During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1 Tactical Communication/Tactical Planning (Substantial Deviation, without Justification – Sergeant Ibanez, Detective Valdez, Officers Ruiz and Fuentes)

Officers are trained to work together and function as a team. In order to ensure officer safety and help ensure an appropriate outcome, the primary officers and cover officers must effectively communicate with one another. Appropriate communication involves advising the primary officer of any critical occurrences or safety issues (California Commission on Peace Officers Standards and Training, Learning Domain 22).

Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety by their recognition of an unsafe situation and by working together collectively to ensure a successful resolution. A sound tactical plan should be implemented to ensure minimal exposure to the officers, while keeping in mind officer safety concerns.

Upon being flagged down by Witness Serrano, Sergeant Ibanez obtained limited information about Flores' actions. He did not obtain Flores' description until he was flagged down by Witness Serrano a second time and in that second contact, Sergeant Ibanez did not obtain Witness Serrano's contact information.²⁰ Sergeant Ibanez believed patrol resources were limited or otherwise occupied and when CD broadcast an additional unit request who was Beanbag or 40mm LLL equipped, Sergeant Ibanez informed CD that he would investigate and request resources if needed. Sergeant Ibanez did not request additional units or Air Support Division (ASD) to assist him in locating Flores.

²⁰ FID investigators had to utilize Department resources and BWV to identify and locate Witness Serrano for an interview.

According to Sergeant Ibanez, upon locating Flores, he followed Flores and observed Flores making furtive movements towards his waistband as if Flores was hiding an object. Sergeant Ibanez twice attempted to initiate verbal contact with Flores while seated inside his police vehicle and had to be prompted by responding officers for an update of his location. Sergeant Ibanez estimated his distance to be approximately 50 to 100 feet away from Flores when Sergeant Ibanez attempted to initiate those contacts. Sergeant Ibanez did not request a back-up or direct resources into the area to set-up containment. Sergeant Ibanez observed Officers Valdez, Ruiz, Fuentes, and Ruvalcaba approaching him on foot near 3209 Central Avenue. Sergeant Ibanez stated he utilized his rearview mirror to maintain a visual on Flores, who continued to walk northbound on Central Avenue.²¹ Sergeant Ibanez stated that there was not enough time to formulate a tactical plan with Detective Valdez and Officers Ruiz, Fuentes, and Ruvalcaba due to Flores' close proximity to their location. Sergeant Ibanez did provide the officers and detective with a description of and the information about Flores provided to him by Witness Serrano. Sergeant Ibanez' further directed them to Flores upon observing him. However, Sergeant Ibanez did not actively take a lead, develop a tactical plan, designate roles, or discuss objectives when he picked up the officers and detective.

Note: According to the FID investigation, an analysis of the BWV determined that from the time Sergeant Ibanez picked up Detective Valdez and Officers Ruiz, Fuentes, and Ruvalcaba, to the time they exited the police vehicle, approximately 40 seconds elapsed.

When Officers Fuentes, Ruiz, Ruvalcaba and Detective Valdez exited to tactically deploy on and contain Flores, Sergeant Ibanez remained inside of the police vehicle and repositioned it from Central Avenue to westbound 28th Street. Sergeant Ibanez did not communicate his intentions or plans to the officers and detective when they exited. According to Sergeant Ibanez, he repositioned his police vehicle, so it could be used as cover and as a de-escalation tool until additional units responded with either a Beanbag Shotgun or 40mm LLL.

Sergeant Ibanez did not request a back-up or additional resources until Detective Valdez had advised CD that he was "Code Six at the back-up" request and CD advised Detective Valdez that there was no back-up request. Sergeant Ibanez upgraded the back-up request to a "shots fired, officer needs help" call, exited his police vehicle, and requested a Rescue Ambulance after the OIS. Sergeant Ibanez also requested additional resources for traffic control and post OIS scene management.

The UOFRB noted that Sergeant Ibanez should have taken more time to obtain additional resources by utilizing the radio, assumed the role of IC rather than initiate contact with Flores, developed a plan to direct incoming resources, and have pieced together the previous radio call involving a man with a knife that matched Flores' description. Although Sergeant Ibanez was well intentioned by deciding to assess the situation prior to requesting resources, his complacency was a factor. Sergeant Ibanez should have requested a back-up upon locating Flores so that if resources were unavailable, he could get the needed assistance from other areas.

²¹ The FID investigation determined that the distance between 3209 Central Avenue and Tam's Burgers was 720 feet.

The UOFRB discussed that supervisors were expected to actively lead and implement de-escalation protocols to provide officers additional time and options. Sergeant Ibanez believed Flores was armed and Sergeant Ibanez had responded to a similar radio call with a similarly described suspect, yet throughout this incident, he remained in his police vehicle, even as the officers and detective had exited. Had Sergeant Ibanez initially requested other less-lethal force options, personnel would have had other tools to be more effective at longer distances when dealing with weapons other than firearms, thereby, allowing officers the ability to seek cover at greater distances and reducing their exposure to armed individuals.²²

Based on the totality of the circumstances, the UOFRB determined, and I concur, Sergeant Ibanez' actions were a substantial deviation, without justification, from approved Department tactical training. I will direct this to be a topic of discussion during the Tactical Debrief. According to the FID investigation, Detective Valdez, Officers Ruiz and Fuentes were at Newton Area Detectives working on administrative duties and attired in plainclothes when they heard Sergeant Ibanez' initial broadcast. As they were exiting Newton CPS, Officer Ruvalcaba, who was assigned to the front desk, joined the plain-clothes attired officers and Detective Valdez followed shortly thereafter.²³

According to Detective Valdez they did not have time to discuss a plan or tactics when they responded on foot or were inside Sergeant Ibanez' police vehicle. Detective Valdez was unable to exit the police vehicle until Officer Fuentes opened the rear passenger door from the outside. As Detective Valdez exited the vehicle, he did broadcast to CD that he was Code Six on the back-up; however, as he deployed on Flores, he did not communicate a plan or tactics with the other officers.

The UOFRB discussed that Detective Valdez did not communicate a plan or discuss tactics with the others while inside the police vehicle or when responding on foot to assist Sergeant Ibanez. Detective Valdez was unable to exit the police vehicle due to the overall lack of planning and communication.

Based on the totality of the circumstances, the UOFRB determined, and I concur, Detective Valdez' actions were a substantial deviation, without justification, from approved Department tactical training. I will direct this to be a topic of discussion during the Tactical Debrief.

According to Officer Fuentes, she and Officer Ruiz had worked together at Newton Area Detective's Gang Unit for approximately six months. They discussed that while engaged in field activity, Officer Ruiz would be the contact officer and she would handle radio communications. In this incident, they did not discuss a tactical plan while responding to Sergeant Ibanez' location on foot. Officer Ruiz did ask for an update of Sergeant Ibanez' location when they could not find him. Officer Ruiz said they did not discuss a plan, but he heard someone say, "TASER." There were no tactical discussions among the officers, detective, or sergeant upon entering

²² Training Bulletin, Volume XLVI, Issue 3, "Weapons Other Than Firearms," October 2017.

²³ Due to a pre-existing knee injury, Officer Patino discontinued his response and returned to Newton CPS.

Sergeant Ibanez' police vehicle. According to Officer Fuentes, Officer Ruiz got into the front passenger seat of the police vehicle and she sat next to him in the front passenger seat. Officer Fuentes said there was no time to plan because the incident happened quickly.

According to Officer Fuentes, she observed Flores holding a large knife in his hand; however, she did not inform the others because she believed they had also observed Flores in possession of the knife. Officer Ruiz was not designated as the contact officer, but stated he assumed that role. Officers Fuentes and Ruiz did not request a back-up or other additional resources. According to Officer Ruiz, he gave Flores commands to "drop the knife" and to "get on the ground." Officer Fuentes also stated that Officer Ruiz told Flores to "drop the knife," but Flores did not comply.

The FID investigation revealed that Officers Ruiz and Fuentes entered and shared the front passenger seat of Sergeant Ibanez' black and white police vehicle, while Officer Ruvalcaba and Detective Valdez were seated in rear passenger seats.

The UOFRB minority noted that Officers Fuentes and Ruiz were proactive and responded to what they believed was an exigent circumstance. The UOFRB minority asserted that the officers communicated their roles by vocalizing that the uniformed officer was the designated less-lethal option and the officers did not talk over each other. In addition, they broadcast their response for possible responding units that non-uniform officers would be at scene assisting the sergeant. The UOFRB minority opined that although the officers' actions were imperfect, their actions did not substantially deviate from Department policy under the circumstances.

The UOFRB majority reviewed the same set of facts and circumstances and noted that Sergeant Ibanez did not request additional units or a back-up unit to respond to the incident. The UOFRB majority noted that Officers Fuentes and Ruiz did not communicate their roles and Officer Ruvalcaba designated himself as a less-lethal cover officer. In addition, the UOFRB majority noted that Officers Fuentes and Ruiz had knowledge that there was a suspect who was armed with a knife, yet they did not implement a plan, designate roles, or discuss a tactical response while on foot or seated inside of the police vehicle. Officer Fuentes and Ruiz should have taken a few moments to prepare and although they may have expected the supervisor to take on that role, in the absence of such, they should have had those discussions. The UOFRB majority also noted that Officers Fuentes and Ruiz did not communicate a plan or discuss tactics for this incident when responding on foot or while inside the police vehicle. While Officer Ruiz did communicate with Flores, there was no discussion of less-lethal force options or designated roles. As the officers were requesting an updated location for Sergeant Ibanez', there was sufficient time to develop a plan and communicate. The overall lack of discussion among the officers caused the UOFRB majority concern.

Based on the totality of the circumstances, the UOFRB majority determined, and I concur that Officers Ruiz' and Fuentes' actions were a substantial deviation without justification from approved Department tactical training. I will direct this to be a topic of discussion during the Tactical Debrief.

According to Officer Ruvalcaba, when he observed the plainclothes personnel exiting the station, he recognized they did not have any less-lethal options and notified the other desk officer that he would be responding with those officers. Upon locating Sergeant Ibanez and entering his police vehicle, Officer Ruvalcaba recognized that the rear doors of the police vehicle did not open from the inside and pre-planned his exit from the vehicle by communicating with Sergeant Ibanez to roll down the rear windows, so he could open the vehicle's door handle from the exterior. As they exited the police vehicle to deploy on Flores, Officer Ruvalcaba observed there was no additional less-lethal options deployed so he drew his TASER and announced his role twice to the other officers as the incident unfolded.²⁴ In addition, Officer Ruvalcaba was cognizant of the need to preserve the evidence at the OIS and on his own initiative, began placing paper markers in those areas, as well as cautioning others to be mindful of the evidence in the area.

The UOFRB noted that Officer Ruvalcaba demonstrated active leadership and analysis such as that expected of a supervisor during a critical incident. Officer Ruvalcaba's situational awareness during the incident such as recognizing the potential need for less-lethal force options when the officers attired in plainclothes were exiting Newton CPS. Officer Ruvalcaba planned ahead and communicated with Sergeant Ibanez to roll down the rear passenger vehicle windows so he could access the exterior door handle to open the door. Officer Ruvalcaba also holstered his service pistol and drew his TASER when he did not observe a less-lethal force option had been deployed upon locating Flores. The UOFRB noted that Officer Ruvalcaba also had the presence of mind to deploy the TASER from a safe distance. In addition, Officer Ruvalcaba also began to manage the preservation of the evidence at the scene of the OIS.

Based on the totality of the circumstances, the UOFRB determined, and I concur that Officer Ruvalcaba's actions met with the expectations of Department tactical training. I will direct this to be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 2 Required Equipment (Substantial Deviation, without Justification – Detective Valdez, Officers Ruiz and Fuentes)

Personnel that are assigned to a plainclothes detail (e.g., Narcotics Enforcement Detail, Area detectives) who are conducting field enforcement or activity where they are likely to have contact with one or more suspects shall wear body armor or a tactical vest with ballistic protection;

Note: Detectives conducting interviews of witnesses in the field are not required to wear body armor (Los Angeles Police Department Manual, Volume 4, Section 216.52).

Required Equipment - Plainclothes: Officers, while on plainclothes assignment, shall carry the following equipment:

- *Ammunition:*

²⁴ Officer Ruvalcaba was not able to provide a warning to Flores because Flores lunged towards Officer Ruiz' direction while still holding the knife.

- *Department badge;*
- *Department identification card;*
- *Handcuffs and key;*
- *Pen or Pencil; and,*
- *Department approved firearm.*

wherein it is necessary to conceal their identity as officers may be excused by their commanding officers from the provisions of all or part of this section. (Los Angeles Police Department Manual, Volume 3, Section 627.10).

Identifying Police Attire: A raid jacket or tactical vest should be donned when identification as a police officer is important to officer safety whenever times permits and when use would not interfere with the effectiveness of the tactical operation.

Any decision not to wear a department raid jacket or tactical vest must be balanced against the concern for officer safety and those Department and non-Department personnel who may respond to an incident. When personnel are unable to don a Department raid jacket or tactical vest due to an exigency, personnel should attempt to display a badge, in an area clearly visible (Use of Force – Tactics Directive No. 10.3, March 2019).

Raid Jackets: Raid jackets are strictly for identifying undercover or plainclothes officers during tactical situations and shall not be worn as a quasi-uniform. Specialized uniforms or other garments depicting Department affiliation, not approved by the Uniform and Equipment Committee, are not authorized and shall not be worn.

Note: Department raid jackets or pants made of denim material do not constitute proper business attire (Los Angeles Police Department Manual, Volume 3, Section 627.30).

The FID investigation revealed that Detective Valdez was working a plainclothes assignment inside Newton CPS and was not wearing or in possession of his body armor or a ballistic vest as required when conducting field-related enforcement activities.

According to Detective Valdez, he heard Sergeant Ibanez on the radio and believed he was requesting an additional unit or back-up request for a man with a knife. As Detective Valdez continued to listen to the radio, he did not hear additional units responding to assist Sergeant Ibanez. Detective Valdez observed Officers Fuentes and Ruiz leave the office to assist Sergeant Ibanez. Detective Valdez made the decision to accompany them without donning his body armor to assist Sergeant Ibanez. After exiting Newton CPS, Detective Valdez located Sergeant Ibanez, who was not involved in an exigent circumstance or in the presence of Flores at the moment. Detective Flores got into right rear passenger seat of Sergeant Ibanez' police vehicle.

Note: According to the FID investigation, a review of Newton Division's base Frequency determined that Sergeant Ibanez did not request a back-up during his initial broadcast.

The UOFRB discussed it was commendable that Detective Valdez was monitoring the radio and wanted to respond and assist Sergeant Ibanez; however, he should have had taken the time to don a ballistic vest, at a minimum, along with a raid jacket. When plainclothes details were involved in field enforcement or activity likely to have contact with one or more suspects, they were required to wear a ballistic vest or body armor.²⁵ The UOFRB considered that personnel working in a geographical area had potential for coming into contact with suspects. In addition, the knowledge and information in the broadcast indicated there was a suspect with a knife. Detective Valdez should have taken a few moments to prepare himself by donning some type of ballistic protection for safety, and preferably a raid jacket to increase his visibility.

The UOFRB weighed the safety concerns the situation presented and were also guided by Department policy. In considering the facts of this incident and acknowledging that each case must be evaluated individually, the UOFRB determined that Detective Valdez substantially deviated, without justification, from approved Department policy and training.

The FID investigation revealed that Officers Ruiz and Fuentes were assigned to a plainclothes detail inside Newton CPS and were not wearing or in possession of their body armor or a ballistic vest.

Officers Ruiz and Fuentes were listening to their radios when they heard Sergeant Ibanez go Code Six on “a man with a knife” call in front of Newton CPS on 34th Street and Central Avenue. Officer Fuentes ran outside because she believed there was a threat and was concerned for Sergeant Ibanez’ safety. Officer Ruiz left Newton CPS with Officer Fuentes because he believed Sergeant Ibanez requested an additional unit for man with a knife and did not hear additional Department personnel responding to assist Sergeant Ibanez.

Believing Sergeant Ibanez was in need of immediate assistance, Officers Ruiz and Fuentes exited Newton CPS without donning their body armor. In addition, Officer Fuentes was not in possession of one extra fully loaded magazine for her service pistol and did not have a pair of handcuffs as required in a plainclothes assignment. Officers Ruiz and Fuentes located Sergeant Ibanez who was not involved in an exigent circumstance or in the presence of Flores. Officers Ruiz and Fuentes got into the front passenger seat of Sergeant Ibanez’ police vehicle to assist Sergeant Ibanez with contacting Flores.

Note: According to the FID investigation, a review of Newton Division’s base Frequency determined that Sergeant Ibanez did not request a back-up during his initial broadcast.

The UOFRB minority noted that Officers Fuentes and Ruiz were assigned to a plainclothes detail that allowed the officer to wear informal attire and they were performing administrative duties, which did not involve tactical operations. While listening to the radio, Officers Ruiz and Fuentes heard Sergeant Ibanez request for an additional unit for a man with a knife investigation. During Sergeant Ibanez broadcast, Officers Fuentes and Ruiz detected distress in his voice which caught

²⁵ Los Angeles Police Department Manual, Volume 4, Section 216.52.

their attention.²⁶ When no patrol units responded to the request, Officers Ruiz and Fuentes considered Sergeant Ibanez was at a tactical disadvantage due to working alone, and with the incident taking place near the front of Newton CPS, decided to respond to Sergeant Ibanez' request. Officers Ruiz and Fuentes exited Newton CPS and eventually located Sergeant Ibanez, where they entered Sergeant Ibanez' police vehicle and drove towards Flores. Upon locating Flores, Officers Ruiz and Fuentes rapidly deployed from the police vehicle with the intent to address the suspect. As they deployed towards Flores, the UOFRB minority asserted that Officer Fuentes was mindful that she was the least equipped officer in the tactical situation and stayed the furthest away from Flores but close enough to provide support and render aid if needed.

The UOFRB minority noted that as the incident rapidly transpired, the officers knew that as a collective group, they had the required equipment for post apprehension tactics which they used while taking the suspect into custody. The UOFRB minority documented exemptions to the "Plainclothes" requirement in the LAPD Use of Force – Tactics Directive No.2, - *When personnel are unable to don a Department raid jacket or tactical vest due to an exigency, personnel should attempt to display a badge, in an area clearly visible.* The UOFRB minority noted that it was reasonable to conclude that officers firmly believed this incident rose to the level of exigent circumstances. Although Officers Ruiz and Fuentes acted rapidly, they did not do so without assessing the incident as it quickly unfolded. Officer Ruiz' broadcast notified possible responding units that non-uniform officers would be at the scene assisting Sergeant Ibanez. In conclusion, the UOFRB minority believed Officer Ruiz and Fuentes actions, although imperfect, did not substantially deviate from Department policy under the circumstances. Therefore, the minority recommended a Tactical Debrief in this case.

The UOFRB majority reviewed the same set of facts and circumstances and acknowledged the consistency in Officers Fuentes and Ruiz' statements in that they believed Sergeant Ibanez needed assistance. In addition, as discussed by the UOFRB with respect to Detective Valdez, it was commendable that Officers Ruiz and Fuentes were monitoring the radio and wanted to respond and assist Sergeant Ibanez; however, the officers should have had taken the time to don a ballistic vest, at a minimum, along with a raid jacket. When plainclothes details were involved in field enforcement or activity likely to have contact with one or more suspects, they were required to wear a ballistic vest or body armor.²⁷ Furthermore, Officer Fuentes' lack of an extra magazine and a set of handcuffs were also concern.²⁸ The UOFRB considered that personnel working in a geographical area had potential for coming into contact with suspects. In addition, the knowledge and information in the broadcast indicated there was a suspect with a knife. Officers Ruiz and Fuentes should have taken a few moments to prepare by donning some type of ballistic protection for safety, and preferably a raid jacket to increase his visibility.

The UOFRB weighed the safety concerns the situation presented and were also guided by Department policy. Based on the totality of the circumstances, the UOFRB determined, and I

²⁶ Although not stated in the officers' transcripts or FID investigation, the minority believed the officers had heard an "additional unit" request and distress in Sergeant Ibanez' voice as documented in the minority's 15.2 Intradepartmental Correspondence.

²⁷ Los Angeles Police Department Manual, Volume 4, Section 216.52.

concur that Officers Fuentes and Ruiz' actions were a substantial deviation, without justification, from approved Department tactical training. I will direct this to be a topic of discussion during the Tactical Debrief.

Note: Captain H. Mohammadi, Serial No. 36506, Commanding Officer, Newton Patrol Division, became aware that Officer Fuentes was not in possession of an extra magazine and did not have a pair of handcuffs as required in a plainclothes assignment. This issue was addressed through the issuance of an Employee Comment Sheet and the generation of a Supervisory Action Item (SAI). The Commanding Officer of Operations Central Bureau (OCB) and the Director of the Office of Operations (OO) concurred with this action.

Additional Tactical Debrief Topics

Situational Awareness (Updating Status) - The FID investigation revealed that as Sergeant Ibanez was contacted by Witness Serrano, Sergeant Ibanez placed himself Code Six at 34th Street and Central Avenue; however, his actual location was 35th Street and Central Avenue. Upon completion of their conversation, Sergeant Ibanez left the location and proceeded to search for Flores without updating his status, leading to responding Department personnel unable to locate Sergeant Ibanez and required them to make additional requests to CD for Sergeant Ibanez' updated location. Sergeant Ibanez located Flores, who was walking, and he began to follow and attempted verbal contact with Flores. Sergeant Ibanez is reminded that the purpose of updating his location is to advise CD and officers in the area of his location and the nature of the field investigation should the incident escalate and necessitate the response of additional personnel. To enhance future performance, I will direct this to be a topic of discussion during the Tactical Debrief.

As the incident progressed and Department personnel made contact with Flores, Detective Valdez broadcast he was Code Six on the back-up without a location; however, CD advised that no back-up request had been generated. Detective Valdez is reminded to update his location status. To enhance future performance, I will direct this to be a topic of discussion during the Tactical Debrief.

Personal Protective Equipment – The FID investigation revealed that after the OIS occurred, Officers Fuentes and Ruvalcaba, aware that Flores was bleeding, handcuffed and searched Flores without donning gloves. Officers Fuentes and Ruvalcaba are reminded of the importance of utilizing personal protective equipment to prevent exposure to blood and other bodily fluids. To enhance future performance, I will direct this to be a topic of discussion during the Tactical Debrief.

Maintaining Control of Equipment (TASER) – Subsequent to the OIS and Officer Ruvalcaba discharging his TASER, Officer Ruvalcaba removed the TASER cartridge and attempted to re-holster his TASER to take Flores into custody; however, Officer Ruvalcaba missed his TASER holster causing the TASER to fall to the ground approximately seven feet, two inches from where Flores was on the ground. Officer Ruvalcaba is reminded to maintain control of

less-lethal devices. To enhance future performance, I will direct this to be a topic of discussion during the Tactical Debrief.

Identifying Police Attire – Responding Newton personnel were not appropriately attired, i.e. polo shirt, jeans, sweater, which could lead to confusion and misidentification by the public or other Department personnel. Detective Valdez and Officers Ruiz and Fuentes are reminded of the importance of being recognizable by the community as well as other Department personnel while outside of a Department facility in order to mitigate confusion from the community and limit the possibility of misidentification. When possible, officers are advised to either don a Department raid jacket or display a Department badge or identification card in an area that is clearly visible. To enhance future performance, I will direct this to be a topic of discussion during the Tactical Debrief.

Note: Newton Area personnel working a plainclothes assignment, excluding undercover personnel, were directed by Captain A. Baez, Serial No. 26623, Commanding Officer, Newton Area, to be professionally attired either in uniform or business attire following this incident. The Commanding Officer of OCB and Director of OO concurred with this action. During Crime Control meetings, OCB has reminded their commands to ensure plainclothes personnel, including detective personnel, are professionally attired in uniform or business attire while on duty.

Preservation of Evidence – Neither Sergeant Ibanez nor Sergeant Diego took control of the post OIS scene or declared themselves as incident commander to establish order. Several personnel were depicted on BWV walking through the evidence and scene. As a result, Officer Ruvalcaba placed cards over the casings while warning personnel not to disturb the evidence. Sergeants Ibanez and Diego are reminded the importance of taking charge of an incident and preserving the integrity of the scene for FID investigators. To enhance future performance, I will direct this to be a topic of discussion during the Tactical Debrief.

Command and Control

Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help

manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135).

Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Los Angeles Police Department, Supervisor's Field Operations Guide, Volume 2, Emergency Operations Guide).

Sergeant Ibanez met with the PR and obtained information with regard to the possible location of Flores. Rather than broadcast the information and coordinate with responding resources, Sergeant Ibanez advised CD that he would request additional resources, if necessary. Sergeant Ibanez located Flores and drove Detective Valdez, and Officers Ruiz, Fuentes, and Ruvalcaba to Flores location. Sergeant Ibanez did not develop or communicate a tactical plan with the detective and officers. Sergeant Ibanez remained inside of his police vehicle after Detective Valdez, and Officers Ruiz, Fuentes, and Ruvalcaba exited and began to interact with Flores. Throughout the entire incident and until after the OIS occurred, Sergeant Ibanez remained inside of his police vehicle, attempting to place it in a tactical position. The UOFRB would have preferred that Sergeant Ibanez coordinate with the personnel at scene and take control of the tactical incident.

Once the OIS occurred, Sergeant Ibanez did not declare himself the Incident Commander (IC). Although scene management was somewhat lacking after the OIS, Sergeant Ibanez did initiate some coordinated efforts at the scene until additional resources arrived. Sergeant Ibanez directed Sergeant Diego to be responsible for the separation and monitoring of Officer Ruiz and to obtain a PSS from Officer Ruiz. Involved and witnessing personnel at scene were not separated and monitored initially by Sergeant Ibanez or Sergeant Diego. The UOFRB would have preferred that Sergeant Ibanez clearly communicate with Sergeant Diego to eliminate any confusion

The actions of Sergeant Ibanez were not consistent with Department supervisory training, nor my expectations of a field supervisor during a critical incident.

Sergeant Diego responded to the incident after the OIS. Upon arrival, Sergeant Diego met with Sergeant Ibanez who directed him to separate, monitor, and obtain a PSS from Officer Ruiz. Sergeant Diego obtained a PSS from Officer Ruiz and began to attempt to control the incident. Sergeant Diego requested for additional supervisors to respond, started to direct traffic control resources, and broadcasted for the location of the Command Post (CP). Sergeant Diego did not coordinate with Sergeant Ibanez on the designation of the role of the Incident Commander (IC).

The UOFRB would have preferred that Sergeant Diego had coordinated with Sergeant Ibanez in transitioning the management of the incident and that Sergeant Diego make a formal declaration as the IC. The securing of the location of the incident was delayed, allowing personnel to walk into the location. Once the scene was stabilized, Sergeant Diego transported Officer Ruiz to Newton CPS.

The actions of Sergeant Diego, overall, were consistent with Department supervisory training and my expectations of a field supervisor during a critical incident.

The actions of Sergeant Diego did not meet my expectations as a supervisor responding to a critical incident. The UOFRB determined and I concur that Sergeant Diego would benefit from attending the Tactical Debrief with the inclusion of a discussion on Command and Control.

Sergeant Bielma obtained a PSS from Officer Ruvalcaba and monitored him. Detective Rivera obtained a PSS from Sergeant Ibanez and monitored him. Detective Barboza obtained a PSS from Officer Fuentes and monitored her. Detective Spear admonished Detective Valdez and monitored him.

The actions of Sergeant Bielma, Detectives Rivera, Spear, and Barboza were consistent with Department supervisory training and my expectations of a field supervisor during a critical incident.

Tactical Debrief

In conducting an objective assessment of this case, the UOFRB determined, and I concur, that the tactics utilized by Officer Ruvalcaba did not deviate from approved Department tactical training. However, Sergeant Ibanez, Officers Ruiz and Fuentes, and Detective Valdez' tactics did substantially deviate, without justification, from approved Department policy and tactical training, thus requiring a finding of Administrative Disapproval.

Each tactical incident also merits a comprehensive debriefing. In this case, there were areas identified where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Therefore, I will direct that Sergeant Ibanez, Officers Ruiz, Ruvalcaba, and Fuentes, and Detective Valdez, along with Sergeant Diego, attend a Tactical Debrief and that the specific identified topics be discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);

- Tactical De-Escalation;
- Command and Control;
- Lethal Force.

General Training Update (GTU)

Officers Ruiz and Fuentes attended a GTU on December 2, 2019. Detective Valdez, Officer Ruvalcaba, and Sergeant Ibanez attended GTU on November 26, 2019. All mandatory topics were covered. Sergeant Ibanez also received training in additional concepts of Command and Control.

Drawing/Exhibiting

Department policy relative to drawing and exhibiting a firearm is: *“An officer’s decision to draw or exhibit a firearm should be based on the tactical situation and the officer’s reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified” (Los Angeles Police Department Manual, Volume No. 1, Section 556.80).*

Officer Ruiz (two occurrences)

First Occurrence

According to Officer Ruiz, he had received information from Sergeant Ibanez that Flores was walking up to people while armed with a knife. Officer Ruiz observed Flores and came to the belief that Flores was, “maybe high or something, under the influence or something.” Based on the belief that Flores was in possession of a knife, was approaching people, had his hand still in his waistband, and was ignoring officers’ commands, Officer Flores believed that the tactical situation could escalate to a point where deadly force would be necessary. Officer Flores unholstered his service pistol.

Officer Ruiz recalled,

Sarge had advised us that I guess he was walking up to people with that knife.²⁹

I thought he was like maybe high or something, under the influence or something.³⁰

When – when we were – when I was starting to communicate with him, I unholstered my firearm.³¹

²⁹ Officer Ruiz, Page 11, Lines 3-5

³⁰ Officer Ruiz, Page 12, Lines 14-15

³¹ Officer Ruiz, Page 12, Lines 22-24

*Based on what the sergeant said, that he had a knife, he was approaching people, he had his hand still in his waistband, I felt that he – that the tactical situation could rise to the point where deadly force may be necessary. Continued to give him commands, and he just completely ignored them.*³²

*I thought the tactical situation could escalate to a point where deadly force would – deadly force would be necessary.*³³

Second Occurrence

According to Officer Ruiz, after Flores stopped running and Department personnel again made contact with Flores, Officer Ruiz drew his service pistol a second time as he observed Flores' hand in Flores' waistband and not complying with commands. Officer Ruiz believed Flores was going to hurt someone or possibly take a hostage as Flores still had a knife in his possession. Flores turned around and "squared up against" the officers. Officer Ruiz drew his service pistol as he believed that the tactical situation could rise to the point where deadly force may be justified.

Officer Ruiz recalled,

*Same reason. He had – he still had a hand in his waistband, not complying to commands. He had the knife. I thought he was going to hurt someone or go and possibly take some hostage.*³⁴

*Now in the middle of the street. Once he turned around and he – he kind of like squared up against us, then I – I – I redrew.*³⁵

*I – I felt that the tactical situation could rise to the point where deadly force may be justified.*³⁶

Officer Fuentes

According to Officer Fuentes, she observed Flores holding a "butcher knife" in his hand and in a close proximity to pedestrians where he could possibly "slash" someone or take someone hostage. Officer Fuentes drew her service pistol as she believed Flores posed an imminent threat of injury or death to herself, her partners, and to the community.

³² Officer Ruiz, Page 12, Line 25 and Page 13, Lines 1-5

³³ Officer Ruiz, Page 56, Lines 18-20

³⁴ Officer Ruiz, Page 14, Lines 1-5

³⁵ Officer Ruiz, Page 44, Lines 11-13

³⁶ Officer Ruiz, Page 58, Line 23-25

Officer Fuentes recalled,

*At some point I saw the knife initially and I remember – I go, oh, my God. Thinking it's so big, like a butcher knife.*³⁷

*There was quite a few people out. And I just thought to myself I can't believe that there's so many people out and he's so in close proximity to these people. He could hit someone. He could – I mean, he could slash someone. He could take someone hostage. He could – yeah, he could grab someone. He could grab a woman. He could grab a man. He could grab a child.*³⁸

*Because I saw the suspect and I knew he had a knife. I believe it was an eminent [sic] threat to myself or my partners of an injury or death.*³⁹

Detective Valdez (two occurrences)

First Occurrence

According to Detective Valdez, he observed Flores in the area of people, where Flores was swinging his arms around while holding a knife in his hand. Detective Valdez noted Flores appeared under the influence as Flores looked aggressive, was sweating profusely, and was walking with clenched fists. Detective Valdez opined Flores was in a state of “agitated delirium.” Based on his observations, Detective Valdez drew his service pistol to protect the people that were “right near” Flores and believed the situation was going to escalate to the use of deadly force.

Detective Valdez Recalled,

*He was in the Tam's parking lot, and there was some pedestrians around him, and he was swinging his arms around with a knife.*⁴⁰

*Well, just his mannerisms. He was walking aggressively. He looked aggressive. He was – like I said, the agitated delirium. He looked like he was under the influence based off of his anger, and he was swinging back and forth. He was sweating profusely and just looked agitated. Clenched fists when he was walking, so he was --.*⁴¹

*I unholstered my weapon. I believed the situation was going to escalate to the use of deadly force. Based off of protecting the citizens that were right near him in the close proximity of him, so it was in protection of those citizens.*⁴²

³⁷ Officer Fuentes, Page 14, Lines 23-25

³⁸ Officer Fuentes, Page 24, Lines 11-18

³⁹ Officer Fuentes, Page 26, Lines 10-13

⁴⁰ Detective Valdez, Page 21, Lines 19-21

⁴¹ Detective Valdez, Page 22, Lines 7-13

⁴² Detective Valdez, Page 24, Lines 4-9

According to the FID investigation, Detective Valdez momentarily holstered his service pistol as he and Officers Ruiz, Fuentes, and Ruvalcaba followed Flores north on Central Avenue and across 28th Street.

Second Occurrence

According to the FID investigation, Flores abruptly stopped running, then turned and faced south, towards the officers. Detective Valdez unholstered his service pistol, held it in his right hand and pointed the muzzle in a northerly direction towards Flores. Detective Valdez did not recall drawing his service pistol a second time during this incident. According to Detective Valdez, he advised Flores to drop the knife or he would be shot. Flores did not comply with Detective Valdez' command.⁴³

Officer Ruvalcaba

According to the FID investigation, after Officer Ruvalcaba exited the police vehicle, he unholstered and drew his service pistol, holding it in his right hand while pointing it towards the ground. Officer Ruvalcaba did not recall drawing his service pistol during the incident.

According to Officer Ruvalcaba, while he was inside of the police vehicle he was aware that Flores was armed with a knife. Upon exiting the patrol vehicle, Officer Ruvalcaba observed Flores holding the knife as Flores ran towards the Tam's Burger parking lot.

Officer Ruvalcaba recalled,

I then exited the car and saw the suspect with a knife in hand run northbound Central towards the Tams parking lot located at the southwest corner of 28th Street and Central Avenue.⁴⁴

We were surrounding trying to contain the suspect in the – the parking lot of the Tams restaurant. I approached and advised I had the Taser.⁴⁵ And due to that, we would have to reach outside the – the larger SUV door to let ourselves out, and which is why I reminded him a few times to roll the windows down because we may have to confront this guy who is armed with a – with a knife.⁴⁶

In this case, the UOFRB conducted a thorough evaluation of the reasonableness of Detective Valdez, and Officers Ruiz, Fuentes, and Ruvalcaba's Drawing/Exhibiting. Officer Ruiz drew his service pistol in response to the information he had received from Sergeant Ibanez of Flores being in possession of a knife and walking up to community members with the knife, in addition to Officer Ruiz' own observations wherein he believed Flores to be under the influence of a narcotic. Officer Fuentes drew her service pistol after she observed Flores to be in possession of

⁴³ Detective Valdez was not interviewed by FID investigators regarding the second occurrence of Drawing/Exhibiting his service pistol.

⁴⁴ Officer Ruvalcaba, Page 10, Lines 13-17

⁴⁵ Officer Ruvalcaba, Page 10, Lines 20-23

⁴⁶ Officer Ruvalcaba, Page 25, Lines 19-23

a knife and in the close proximity of community members where he could “slash” someone or take them hostage.

Detective Valdez drew his service pistol after he observed Flores in close proximity of numerous people while he was in possession of a knife, which Flores was swinging violently in the air. The UOFRB noted that while Detective Valdez only recalled drawing his service pistol on the first occurrence, during the second occurrence, Detective Valdez was still engaged in an active tactical situation where Flores was still in possession of a knife and in close proximity to Detective Valdez.

Officer Ruvalcaba momentarily drew his service pistol as he exited the police vehicle and observed Flores in possession of a knife. The UOFRB noted that while Officer Ruvalcaba was unaware that he momentarily drew his service pistol during this incident. Officer Ruvalcaba had been informed by Sergeant Ibanez that Flores was in possession of a knife as they approached Flores’ location, and upon encountering Flores, Officer Ruvalcaba observed Flores to be in possession of a knife, wherein he momentarily drew his service pistol, holstered his service pistol, and then drew his TASER upon assessing the need for a less-lethal force option to engage Flores. Flores was reasonably believed to be carrying a knife and eventually produced a knife when he observed officers. In response, officers drew their service pistols.

As such, based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Detective Valdez, and Officers Ruiz, Fuentes, and Ruvalcaba, while faced with similar circumstances, would reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified.

Therefore, I find Detective Valdez, and Officers Ruiz, Fuentes, and Ruvalcaba’s Drawing/Exhibiting to be In-Policy, No Further Action.

Use of Force – General

It is the policy of this Department that personnel may use only that force which is “objectively reasonable” to:

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance*

The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances. (Los Angeles Police Department Manual, Volume 1, Section 556.10)*

Less-Lethal Use of Force

It is the policy of this Department that personnel may use only that force which is “objectively reasonable” to:

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

Whenever practicable, officers shall exercise de-escalation techniques to resolve potential use of force incidents and seek voluntary compliance from suspects/subjects.

The courts have held that Less-Lethal force options are “capable of inflicting significant pain and may cause serious injury.” Therefore, consistent with the Department’s Use of Force Policy, Less-Lethal force options are only permissible when:

- *An officer reasonably believes the suspect or subject is violently resisting arrest or poses an immediate threat of violence or physical harm.*

Less-Lethal force options shall not be used for a suspect or subject who is passively resisting or merely failing to comply with commands. Verbal threats of violence or mere non-compliance by a suspect do not alone justify the use of Less-Lethal force.

The TASER may be used on suspects who are violent, or who pose an immediate threat to themselves or others, when an officer believes:

- *Attempts to subdue the suspect with other tactics have been, or will likely be, ineffective in the situation; or*
- *It will be unsafe for officers to approach within contact range of the suspect. Verbal threats of violence by a suspect do not alone justify the use of the TASER. Any threat must be a credible one.*

Verbal threats of violence by a suspect do not alone justify the use of the TASER. Any threat must be a credible one (Los Angeles Police Department Use of Force Tactics Directive No. 4.4, Electronic Control Device TASER –December 2015).

Officer Ruvalcaba – One TASER activation, in probe mode, in an easterly direction, from an approximate distance of 19 feet.

According to Officer Ruvalcaba, he observed that Flores was running while in possession of a large knife. Flores began to charge Officer Ruiz. In an attempt to stop Flores from violently assaulting Officer Ruiz, Officer Ruvalcaba discharged his TASER.

Officer Ruvalcaba recalled,

I then exited the car and saw the suspect with a knife in hand run northbound Central towards the Tams parking lot located at the southwest corner of 28th Street and Central Avenue.⁴⁷

He's still in the number one who now starts to charge at Officer Ruiz.⁴⁸

I discharged the Taser. Yes, hoping to stop the suspect from violently assaulting Officer Ruiz.⁴⁹

A large kitchen knife, like a butcher knife.⁵⁰

In this case, the UOFRB conducted a thorough review of the investigation and considered several factors in evaluating the reasonableness of Officer Ruvalcaba's use of less-lethal force. Flores was armed with a knife and posed a danger to the community as well as to Officer Ruiz. Officer Ruiz attempted numerous times to verbally communicate with Flores to drop the knife and gain compliance; however, Flores ignored the commands and escalated the incident as he turned towards Officer Ruiz and made himself an immediate threat of violence or physical harm to Officer Ruiz by charging at Officer Ruiz while still in possession of the knife. Flores attacked and posed an imminent threat to Officer Ruiz. Officer Ruvalcaba did not have time to provide a verbal warning to Flores prior to the discharge of the TASER because Flores unexpectedly and

⁴⁷ Officer Ruvalcaba, Page 10, Lines 13-17

⁴⁸ Officer Ruvalcaba, Page 11, Lines 13-15

⁴⁹ Officer Ruvalcaba, Page 11, Lines 20-22

⁵⁰ Officer Ruvalcaba, Page 23, Lines 18-19

quickly closed the distance on Officer Ruiz. Officer Ruvalcaba utilized a reasonable level of force in an attempt to overcome Flores' violent actions.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer Ruvalcaba, while faced with similar circumstances, would believe that the same application of less-lethal force would be reasonable to overcome Flores' resistance.

Therefore, I find Officer Ruvalcaba's less-lethal use of force to be objectively reasonable and In Policy, No Further Action.

Lethal Use of Force

Law enforcement officers are authorized to use deadly force to:

- *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
- *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
- *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume No. 1, Section 556.10).*

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force (Los Angeles Police Department Manual, Volume No. 1, Section 556.10).

Officer Ruiz, Rounds 1 - 5 – 9mm, five rounds, in a north to northeasterly direction from an approximate distance of 12 feet within approximately 1.1 seconds.

According to Officer Ruiz, Flores looked straight at him. While doing so, Flores, in a rapid motion, took the knife out from his waistband, focused on Officer Ruiz, and began a "full on charge" at Officer Ruiz. Flores took large steps as Flores was "full on like sprinting" towards Officer Ruiz. Officer Ruiz was in fear of being stabbed by Flores, becoming "scared" and believing Flores was going to "kill" Officer Ruiz. Officer Ruiz provided commands to Flores not to approach Officer Ruiz. Flores disregarded Officer Ruiz' commands and continued his rapid advancement towards Officer Ruiz. Officer Ruiz stated that Flores was not showing any indication that he was going to stop. Officer Ruiz assessed his background and focused on his front sight. Officer Ruiz was cognizant that there were pedestrians and children in the area and was concerned for their safety. According to Officer Ruiz, just prior to firing his first round, he looked behind Flores to see if any people were in his background. Officer Ruiz observed a box truck behind Flores and felt confident that his background was clear. In fear that Flores was

going to stab or kill him, Officer Ruiz side-stepped away from Flores and fired what he believed was three to four rounds at Flores. Officer Ruiz conducted a quick assessment between each shot he discharged. Officer Ruiz observed Flores falling to the ground and ceased firing as Flores collapsed approximately three to five feet away from Officer Ruiz.⁵¹

Officer Ruiz recalled,

*The suspect then looked around, looked one final time, kind of assessing the area, looked straight at me, honed-in on me. I distinctly remember that. And then like in a rapid motion, start taking out of knife from his -- from his waistband.*⁵²

*I do recall seeing the knife. At which point, the suspect started running towards me. And rather than being like -- like he's just going to take one step, his whole body was -- it looked like his whole body was leaning forward like he was -- like he was going to full on charge me with that knife. I'll be honest, man, I -- I was scared. I was thinking he was going to cut (UNINTELLIGIBLE) you can close that distance quick... I saw him take three steps in my direction. They were large steps as he was full on like sprinting. At which point, ... or right before that, I remember telling him -- when he stared at me, I thought, oh, dude, I thought he's going to run, run at me, charge. I was like, "Dude, don't -- don't get close to me. Don't -- don't come at me. Don't come at me." And then, obviously, he didn't listen. He started charging at me. I thought he was going to stab me with that knife. I fired. And then I fired what I thought was like three or four rounds at the suspect. I fired like -- I thought he was going to stab me or kill me. And then the suspect then collapsed. After those two rounds, I remember seeing the suspect going to the ground. At which point, I stopped firing at him.*⁵³

*The second step, at which point I started seeing -- I -- I took my focus off of him and I focused on my front sight. Just his body was already leaning forward. I thought, dude, this guy's not -- he's not showing any indication that he's going to stop.*⁵⁴

*So he -- yeah. He ended up I think collapsing in front of me, like maybe five feet, maybe, or three to five feet away from me.*⁵⁵

*When I saw his body like do the, like, the -- his outline of his body starting to go down, that's when I stopped firing. I don't remember if -- maybe I took like a step, like side stepping.*⁵⁶

⁵¹ Twenty-One Foot Concept – Officer Ruiz’ transcript refers to the concept that a suspect with an edged weapon can quickly cover 21 feet in distance by the time it takes a person to react to a suspect’s actions. The “21-Foot Rule” concept was included as part of Calibre Press’ “Street Survival” instruction and included in a film they produced in 1988, entitled “Surviving Edged Weapons;” however, LAPD does not train in this concept as part of the recruit and in-service training curriculum.

⁵² Officer Ruiz, Page 14, Lines 11-15

⁵³ Officer Ruiz, Page 15, Lines 1-25

⁵⁴ Officer Ruiz, Page 35, Lines 21-25

⁵⁵ Officer Ruiz, Page 36, Lines 21-23

⁵⁶ Officer Ruiz, Page 37, Lines 7-10

*Usually, when my -- when my guns out, I was just constantly assessing when I took the first round, and because he continued his -- his rapid motion towards me, I was still assessing him. So I guess you could say, yeah, between each round, I was assessing, but it's like a quick assessment like, well, he's still coming, still coming, still coming, still coming. Okay, he stopped. Okay, I stop.*⁵⁷

*I remember seeing it in -- in a hand. And I remember him running towards me. But I can't focus on the knife anymore if I have to focus on my sights. So I -- I -- oh, right during that time, I remember, I distinctly remember, I know it sounds dumb, but looking in the back and saying, oh, please, no kids, I looked like in his direction and I remember seeing a -- I distinctly remember seeing the box truck that's still parked there, and saying, "Okay, my background's clear. My background's clear. I'm good."*⁵⁸

In this case, the UOFRB conducted a thorough review and considered several factors in evaluating the reasonableness of Officer Ruiz' use of lethal force. The UOFRB noted that the incident was dynamic and a rapidly unfolding situation wherein Department personnel were attempting to detain Flores, who appeared to be under the influence of an unknown substance, was armed with a knife, and posed a threat to people, including children who were walking to school and who were in a close proximity to Flores.

The UOFRB noted Officer Ruiz provided multiple verbal commands to Flores in an attempt to de-escalate the situation. Flores disregarded Officer Flores commands and instead escalated the situation by charging towards Officer Ruiz, closing the distance, and, according to Officer Ruiz, creating fear in Officer Ruiz of being stabbed or killed. Officer Ruiz made a split-second decision to protect himself from the deadly threat. Officer Ruiz redeployed away from Flores and discharged five rounds as Flores continuously moved at a rapid pace towards him. The UOFRB noted that despite Flores moving towards Officer Ruiz, Officer Ruiz continued to move away from Flores, maintaining a distance of approximately 12 feet.

The UOFRB diligently assessed each round discharged by Officer Ruiz and noted that while Officer Ruiz discharged a total of five rounds in 1.1 seconds, Officer Ruiz articulated that he made continuous assessments. Officer Ruiz ceased fire when Flores no longer posed a threat. The UOFRB also carefully examined the placement of each round, particularly the round which penetrated Flores upper back from a downward, back to front trajectory, as identified in the Coroner's Report as Gun Shot Wound 4. Presented at the UOFRB by FID investigators, Flores was leaning forward as he continued to quickly approach Officer Ruiz while still being in possession of a knife. This round, Gun Shot Wound 4, was consistent with the position of Flores' body in relation to Officer Ruiz' position. The UOFRB also noted that due to the rapid and dynamic nature of the incident, Gun Shot Wound 4 may also be a result of lag time from Officer Ruiz' perception to his ceasing fire.⁵⁹ According to Officer Ruiz, he ceased firing when he observed Flores fall to the ground. In either case, all of Officer Ruiz' rounds were objectively reasonable.

⁵⁷ Officer Ruiz, Page 46, Lines 23-25 and Page 47, Lines 1-5

⁵⁸ Officer Ruiz, Page 47, Lines 15-24

⁵⁹ Lag Time is the interval of time between two related phenomena.

The UOFRB also noted Officer Ruiz' awareness of his background while he discharged his service pistol. According to Officer Ruiz, he was aware of the box truck in his background and the rest of the area to be free of community members or bystanders. Presented at the UOFRB by FID investigators was specific analysis of the angle of Officer Ruiz in relation to a burgundy vehicle during the OIS.⁶⁰ The FID presentation revealed that Flores ran towards Officer Ruiz from the north in a slightly south easterly direction as Officer Ruiz redeployed in a south westerly direction in order to create distance, resulting in the burgundy vehicle to not being in Officer Ruiz' background while Officer Ruiz discharged his rounds.

As such, based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer Ruiz, would reasonably believe that Flores' actions presented an imminent threat of death or serious bodily injury and that the use of lethal force would be objectively reasonable. Therefore, I find Officer Ruiz' use of lethal force to be In Policy, No Further Action.

Additional/Equipment

Edged Weapon Protocol – The FID investigation revealed, that when PSR II Robinson inquired if Sergeant Ibanez was in possession of a Code Sam or Code Sam 40 and was informed he was not in possession of either, she appropriately broadcast for an additional unit equipped with a Code Sam or Code Sam 40 to respond to Sergeant Ibanez' location. In response to the request from PSR Robinson, Sergeant Ibanez informed PSR Robinson to “stand by” and he would request the additional equipment if he deemed appropriate. PSR Robinson discontinued her attempts to provide the additional resources to Sergeant Ibanez. Communications Division has addressed this issue with PSR Robinson through the issuance of an Employee Comment Sheet and an incident debrief.

Lag Time – Lag time is defined as the time it takes a person to react to an action. Officer Ruiz' transcript refers to the concept that a suspect with an edged weapon can quickly cover 21 feet in distance by the time it takes a person to react to a suspect's actions. Officer Ruiz is reminded that the Twenty-One Foot Concept is not a sole factor in utilization for the justification for lethal force. To enhance future performance, I will direct this to be a topic of discussion during the Tactical Debrief.

Body Worn Video – The FID investigation revealed that Sergeant Ibanez activated his BWV late. A brief portion of his first and second contact with Witness Serrano were both captured on BWV; however, both contacts fell within the two-minute buffering period and therefore, did not contain audio. In addition, Sergeant Ibanez deactivated his BWV early, just prior to picking up Detective Valdez and Officers Fuentes, Ruiz, and Ruvalcaba. According to Sergeant Ibanez, he was unaware that his BWV was deactivated and believed it was recording throughout the entire incident; however, Sergeant Ibanez' BWV captured his right hand move towards his chest area just prior to the deactivation.

⁶⁰ Depicted on surveillance camera video footage located at 2712 South Central Avenue.

The Office of Operations conducted a random inspection of BWVs associated to Sergeant Ibanez from June 1, 2020 through June 31, 2020, for compliance with BWV and DICVS policies. The results of the inspection revealed that Sergeant Ibanez had no deviations and was in compliance as required.

Captain Mohammadi advised that these issues were addressed through the issuance of an Employee Comment Sheet and the generation of a SAI. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Digital In-Car Video System (DICVS) – Sergeant Ibanez' police vehicle was equipped with DICVS; however, he did not activate his DICVS for this incident. Captain R. Goddard, Serial No. 32757, Commanding Officer, Newton Patrol Division, advised that this issue was addressed with Sergeant Ibanez through the issuance of an Employee Comment Sheet and the generation of a SAI. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Profanity – The FID investigation revealed that Officer Ruiz utilized profanity multiple times while giving Flores commands. According to Officer Ruiz, he did so because Flores was not responding to commands and Officer Ruiz was attempting to get Flores to reassess his actions. Captain Goddard advised that this issue was addressed with Officer Ruiz through the issuance of an Employee Comment Sheet and the generation of a SAI. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Protocols Subsequent to a Categorical Use of Force – Sergeant J. Powers, Serial No. 30260, was assigned as the Watch Commander, Newton Patrol Division. The Watch Commander's log indicated that Detective Kenneth Thomas, Serial No. 35526, Newton Area Detectives, relinquished monitoring of Officer Ruvalcaba to FID at 1450 hours; however, Detective Thomas' log indicated this occurred at 1500 hours. Due to the discrepancy in times in their logs, Captain Mohammadi recommended that these issues be addressed through divisional training for both Sergeant Powers and Detective Thomas. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action necessary.

The log for Detective G. Barboza, Serial No. 26277, Newton Area Detectives, indicated he relinquished monitoring of Officer Fuentes to Detective D. Ehrenberg, Serial No. 33322, Newton Area Detectives, at 1530 hours; however, Detective Ehrenberg's log indicated this occurred at 1550 hours. The Watch Commander's log also documented this time as 1550 hours. Captain Mohammadi recommended that these issues be addressed through divisional training for Sergeant Powers, Detective Barboza, and Detective Ehrenberg. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action necessary.

The log for Sergeant Diego erroneously indicated that it was three pages long; however, it only consisted of two pages. Captain Mohammadi recommended that this issue be addressed through divisional training. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action necessary.

Although the Watch Commander's Log documented the time of the DOC notification as 0833 hours, the DOC Notification Log depicts the time as 0840 hours. The discrepancy in time was due to the fact that Lieutenant B. Reynolds, Serial No. 35772, FID, spent seven minutes on the phone with the Newton Patrol Division Watch Commander. Therefore, the DOC notification fell within 30-minute requirement. In order to enhance future performance, Captain Mohammadi recommended that this issue be addressed through divisional training with Sergeant Powers. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action necessary.

Required Equipment – The FID investigation revealed that Sergeant Ibanez' Hobble Restraint Device (HRD) was not carried on his person at the time of the event. Captain Mohammadi advised that this issue was addressed with Sergeant Ibanez through the issuance of an Employee Comment Sheet and the generation of a Supervisory Action Item (SAI). The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action necessary.

The FID investigation revealed that Officer Ruvalcaba was not in possession of either his side-handle baton or his collapsible baton at the time of the event. Captain Mohammadi advised that this issue was addressed with Officer Ruvalcaba through the issuance of an Employee Comment Sheet and the generation of a SAI. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action necessary.

Audio/Video Recordings

Digital In-Car Video System (DICVS) – Sergeant Ibanez' police vehicle was equipped with DICVS; however, he did not activate his DICVS for this incident and did not capture the incident.

Body Worn Video (BWV) – Newton Patrol Division personnel were equipped with BWV at the time of the incident.

Sergeant Ibanez activated his BWV twice during this incident. The first video captured a portion of his contact with Witness Serrano, as well as commands being given to Flores preceding the OIS. The second BWV captured Sergeant Ibanez pick up Detective Valdez and Officers Ruiz, Fuentes, and Ruvalcaba during the buffering period, and the audio of shots being fired during the OIS.

Officer Ruvalcaba's BWV recorded his response to Sergeant Ibanez' location with Detective Valdez and Officers Ruiz and Fuentes. The BWV captured a portion of their conversation with Sergeant Ibanez while inside of the police vehicle, as well as commands being given to Flores by Sergeant Ibanez and Officer Ruiz. The video captured the OIS, TASER activation, and Flores being taken into custody.

Sergeant Diego activated his BWV twice during this incident. The first activation captured his arrival at scene as well as the separation and monitoring of Officer Ruiz. According to Sergeant Diego, he reviewed a portion of his BWV prior to being interviewed by FID. Investigators from FID determined that Sergeant Diego had viewed his own BWV through his cell phone seven

times. Captain Goddard conducted an analysis of Sergeant Diego's BWV and found that it was not related to the OIS; therefore, not a deviation of Department policy. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action necessary.

Outside Video/Surveillance - Force Investigation Division investigators identified and obtained security videos from three surrounding businesses, as well as news footage from KTLA-TV.

- 1) Security video from the Las Palmas store was located at 2712 South Central Avenue. FID investigators obtained 52 video clips, all recorded from the same camera. One of the video clips captured the OIS and the moments preceding it. The investigation determined that the timestamp on the Las Palmas Store security video was approximately one minute and 15 seconds ahead of actual time.
- 2) Security video was reviewed by FID from Menos Tires, located at 2829 South Central Avenue. FID investigators obtained five security video clips from five separate cameras. All five video clips captured Flores walking north on the west sidewalk of Central Avenue, prior to the OIS.
- 3) Security video was located from the Tam's Burgers restaurant located at 2801 South Central Avenue. FID investigators obtained five security videos from five separate cameras. The video captured Flores fleeing from the officers and detective while holding a knife.
- 4) News footage from KTLA-TV, containing cellular phone video from an unidentified individual, captured a portion of the incident. Detective Robledo contacted KTLA-TV and requested the unedited version of the cellular phone video, but his request was denied.

Chief's Direction

During this incident, an involved officer referenced a concept of the "Twenty-one-foot rule." In dealing with incidents involving weapons other than firearms, distance is not the sole factor that must be considered. I have directed the Director of the Office of Support Services (OSS) to develop a Tactical Operations Bulletin with regard to officers' response to incidents involving weapons other than firearms, with a comprehensive discussion on factors to consider in assessing the suspect's ability to inflict serious bodily injury or death with that weapon.

Respectfully,


MICHEL R. MOORE
Chief of Police

Date: 9.8.20